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In reply please refer to Circular No. 700.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

WASHINGTON, D. C., June 7, 1920.

: Amending paragraph 74 of the General
: Reclamation Circular, approved May 18,
: 1916.

Registers and Receivers,
U. S. Land Offices.

Sirs:

You are hereby advised that on May 20, 1920, the Secretary of the Interior amended paragraph 74 of the General Reclamation Circular, to read as follows:

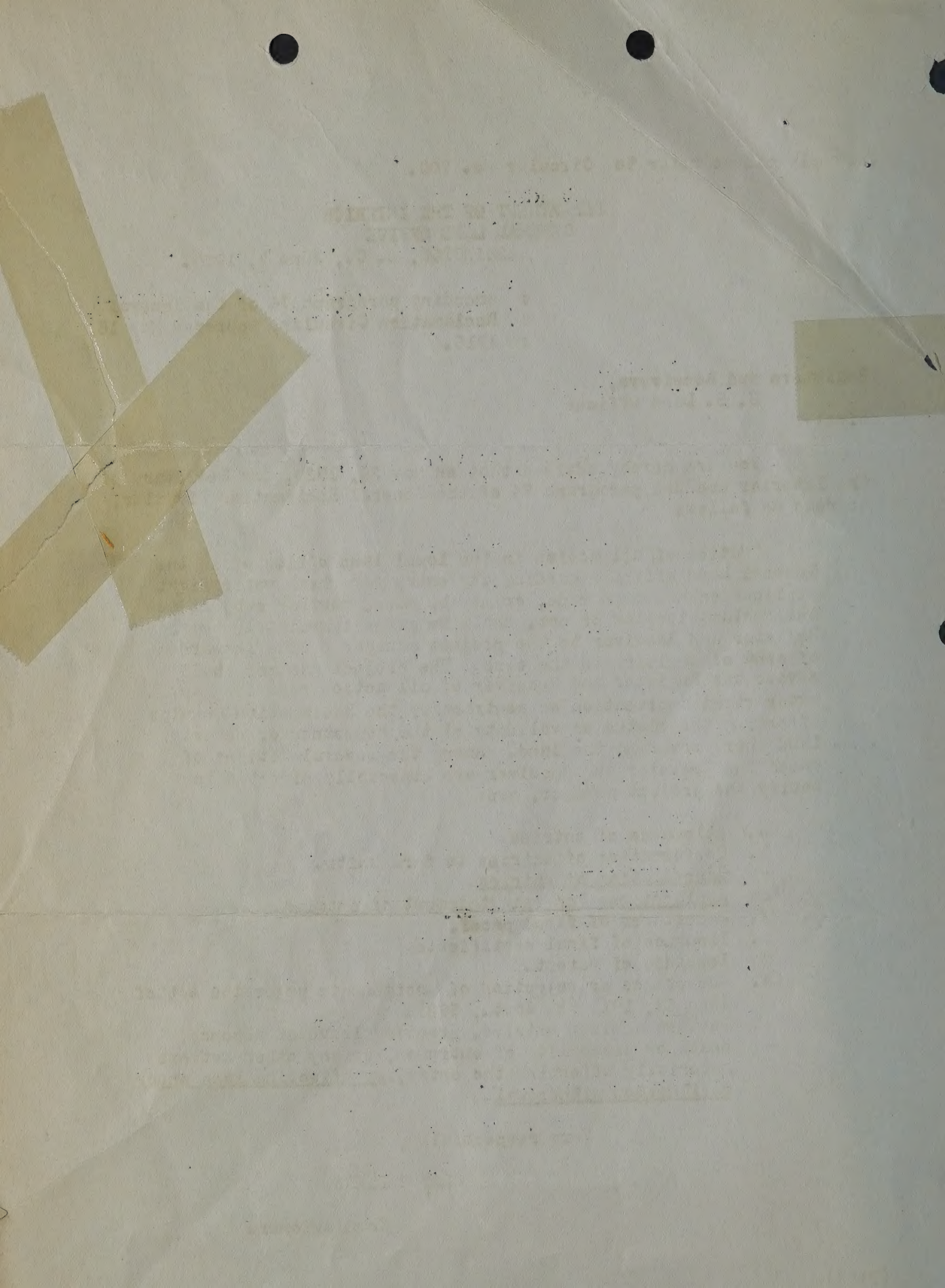
"Notice of all action in the local land office or in the General Land Office regarding any entry for which water right application has been made, or may be made, whether subject to the reclamation law or not, shall be given immediately by the Register and Receiver to the project manager by the forwarding of copy of decision in the case. The project manager shall advise the Register and Receiver of all action regarding any water right application or contract by the Reclamation Service affecting the status or validity of the homestead or desert land entry covering the land. Among the several actions of which the Register and Receiver are especially directed to notify the project manager, are:

- a. Allowance of entries.
- b. Confirmation of entries to farm units.
- c. Cancellation of entries.
- d. Applications for reinstatement of entries.
- e. Acceptance of final proof.
- f. Issuance of final certificate.
- g. Issuance of patent.
- h. Acceptance or rejection of assignments under the Act of June 23, 1910 (36 Stat., 592).
- i. Contest against entries, granting leave of absence, death or disability of entryman, or any other actions materially affecting the entry, or affecting land under reclamation withdrawal.

Very respectfully,

CLAY TALLMAN,

Commissioner.



CIRCULAR NO. 703

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

June 21, 1920.

: Instructions relative to observance
: of regulations in General Reclamation
: Circular.

Registers and Receivers,
U. S. Land Offices.
Sirs:

(1) Attention is invited to paragraph 50 of general reclamation circular which provides, in part, that:

"Where the tract covered by a homestead or desert land entry has been withdrawn under either the first or second form after date of said entry, the Register and Receiver are directed to immediately furnish the project manager a copy of any notice of intention to submit proof thereon, this being in addition to the copy furnished in all cases to the Chief of Field Division."

It has been brought to the attention of this office that, in numerous instances, Registers and Receivers have omitted to furnish a copy of the notice of intention in such cases to the project manager. Hereafter you will not fail to carefully observe these instructions.

(2) In some of the local land offices a number of entries have at various times been erroneously allowed for lands which are not subject to entry, by reason of having been withdrawn under the reclamation act. Such erroneous action sometimes results in financial loss to claimants who have placed improvements on lands embraced in such entries, which are afterwards canceled. Moreover, it frequently interferes with the plans of the Reclamation Service, and embarrasses the regular and orderly administration of the land laws. Registers and Receivers are, therefore, enjoined to use especial care that every order of withdrawal or restoration may be promptly and accurately noted on the tract books and plats of their office. Should it at any time be found that an error or omission has been made in any such notation, the original order of withdrawal or restoration, as the case may be, should at once be taken from the files and carefully compared with the records in the local office, in order that all the tracts mentioned in such order may be correctly posted.

(3) Every application for entry should, prior to its allowance, be carefully checked with the records, to see that it does not conflict with any withdrawal which would bar its allowance. In this connection read paragraphs 13, 16, 17, 19, 20 and 21, of the General Reclamation Circular; also 35 L.D., 250; 38 L.D., 349; and 46 L. D., 30-32.

(4) You will also bear in mind that every homestead application allowed under the reclamation act should be stamped or indorsed by you, across the face thereof, to indicate that it is subject to the provisions of the Act of June 17, 1902 (32 Stat., 388). Furthermore, every final certificate issued upon a homestead, or desert-land entry, for lands within the exterior limits of any reclama-

tion withdrawal, or irrigation project, under the reclamation act, must be stamped by you across the face of the certificate, when issued, as follows: "Subject to lien under Act of August 9, 1912 (37 Stat., 265)." See paragraphs 6 and 62, General Reclamation Circular. The omission of such indorsements frequently causes mistakes in noting the cases on the records, as well as in their subsequent consideration, hence, greater care should be observed in these matters in the future.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Board of Law Review,

By W. B. Pugh

*Part 2307
CFR 43*

Office Copy

*Still in effect
5/28/54 RB*

24145

CIRCULAR NO. 716.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

*See Cir. 759, 534,
637, 700, 1229, 1257*

August 11, 1920.

: Paragraphs 41 and 76, General
: Reclamation Circular, amended.

Registers and Receivers,
U. S. Land Offices.
Sirs:

You are hereby advised that, on July 1, 1920, the Secretary of the Interior amended paragraph 41 of the General Reclamation Circular, approved May 18, 1916 (45 L. D., 385-445), to read as follows:

"41. Assignments under this act are expressly made 'subject to the limitations, charges, terms, and conditions of the Reclamation Act,' and inasmuch as the law limits the right of entry to one farm unit, and forbids the holding of more than one farm unit prior to payment of all construction or building and betterment charges, each assignor must present a showing in the form of an affidavit to the effect that the assignment is an absolute sale, divesting him of all interest in the premises assigned, and each assignee must present a showing in the form of an affidavit that he does not own or hold and is not claiming any other farm unit or entry under the Reclamation law or a tract of private land receiving water from a federal reclamation project upon which all installments of construction or building and betterment charges have not been paid in full. If the assignee is a woman, it must be shown whether she is married or single, and if a married woman it must be shown that the assignment is purchased with her own separate money, in which her husband has no interest or claim (39 L. D., 504, and Sadie A. Hawley, 43 L. D., 364). These affidavits must be accompanied by evidence of the conveyance of the land, as indicated in paragraph 42, and a further showing in the form of a certificate of the project manager that water-right application therefor is not yet receivable, or that the assignee has filed in the project office for acceptance a water-right application in due form for the land embraced in the assignment. The affidavits and certificates above described, should be in the following form, inserting the proper names, descriptions, etc., in the places indicated:

Certificates of Project Manager.

This is to certify that the project manager of the _____ project, State of _____, has not been authorized to receive water-right application for the following-

described lands under said project, or any part thereof,
to wit: _____

Dated _____ 19__.

Project Manager _____ Project

_____ State.

Or--

This is to certify that _____ post-office address
_____, did on the _____ day of
_____, 19__, file in the office of the project
manager, for acceptance, a water-right application in due form
for the irrigable area in the following-described tract of land
under said project, to wit:

Dated _____ 19__

Project Manager _____ Project

_____ State

Affidavit of Assignor

_____ of _____, being
duly sworn, deposes and says that h__ assignment under the
Act of June 23, 1910 (36 Stat., 592), of farm unit _____
or the _____ of section _____, township
_____, range _____, meridian, is a bona fide and absolute
sale of all h__ interest in and to the land and rights therein
described, and that the assignee takes and holds same, as far
as affiant is concerned, absolutely and free from any claim,
interest, or demand on the part of the affiant other than

(If mortgaged, so state)

Subscribed and sworn to before me this _____ day of _____
19__

SEAL

(Official character)

Affidavit of Assignee

_____ of _____, being duly sworn, deposes and says that _____ he is the assignee of _____ under the Act of June 23, 1910 (36 Stat., 592), for farm unit _____, or the _____ section _____, township _____, range _____, meridian; that _____ he is a duly qualified assignee for the reason that _____ he is over 21 years of age; that _____ he does not own or hold, and is not claiming any other farm unit or entry under the Reclamation Act of June 17, 1902 (32 Stat., 388), or acts amendatory thereof or supplemental thereto, or one or more parcels of private land up to the limit of single ownership fixed for the project receiving water from the project system, upon which payment in full of all installments of construction or building and betterment charges has not been made; that this assignment is accepted subject to any unsatisfied mortgage against the land or any part thereof duly filed and recorded in the local land office; that she is _____ married; that this assignment is purchased with her own separate money in which her husband has no interest or claim; and that _____ he has no agreement or understanding whereby any interest therein will inure to the benefit of another. Affiant further says that _____ he has acquired the entire interest of the assignor in the tract assigned and does not hold same as trustee or in any other manner for or on behalf of the assignor.

Subscribed and sworn to before me this the _____
of _____ 19____

(Official character) "

You are further instructed that on July 1 and July 24, 1920, the Secretary of the Interior amended paragraph 76 of said circular to read as follows:

"76. Lands which have been patented or which were entered before the reclamation withdrawal may obtain the benefit of the reclamation law. However, the landowner must be an actual bona fide resident on the land or occupant thereof residing in the neighborhood at the time of making water-right application. The Secretary of the Interior has fixed a limit of residence in the neighborhood at a maximum of 50 miles. This limit of distance may be varied depending on local conditions. After water-right application has been made and accepted (which constitutes a water-right contract), the applicant is not required to continue his residence on the land

or in the neighborhood. A land owner may, however, hold rights to the use of water for more than one tract of patented land in the prescribed neighborhood at one time, provided that the aggregate area of such tracts upon which the construction charge has not been fully paid does not exceed the maximum limit established by the Secretary of the Interior nor the limit of 160 acres fixed by the reclamation law, on which water will be furnished. The Secretary has decided that the area which may be held by any one land owner after the construction charges have been fully paid may exceed 160 acres. (43 L. D., 339-341). Water will not be furnished on a tract of patented land and a tract of unpatented land in the same ownership unless the water charges have been paid in full on one of the tracts. In other words, water will not be furnished on a tract of private land, regardless of the area, and a tract of unpatented land in the same ownership at the same time unless all water charges on one of the tracts have been paid in full. A land owner who has made contract for the use of water in connection with 160 acres of irrigable land and sold the same, together with the water right, can make other and successive contracts for other irrigable lands owned or acquired by him. Holders of more than 160 acres of irrigable land, or more than the limit of area per single ownership of private land as fixed by the Secretary of the Interior, for which water may be purchased within the reclamation project, if such a limit has been fixed, must sell or dispose of all in excess of that area before water-right application will be accepted from such holders. (See pars. 91 and 99). If the holder of a greater area desires, he can subscribe for stock in the local water users' association (if there be one), for his entire holding, executing a trust deed, giving the association power to ultimately sell the excess area to actual settlers who are qualified to comply with the reclamation law, unless the land has been sold by the owner when the Government is ready to furnish water thereon, or provide for the disposal of such excess holdings in some manner approved by the Secretary of the Interior. Holders of land in private ownership who have made and had accepted water-right application for their holdings may receive water for lands in excess of the area hereinabove stated, in case such excess lands have had water-right application made and accepted therefor, and have been acquired by descent, will, or by foreclosure of any lien; in which case said excess lands may be held for two years and no longer after their acquisition, without in any manner militating against the right of the holder to be furnished water under the reclamation law."

Very respectfully,

CLAY TALLMAN,

Commissioner.

In reply please refer to Circular No. 723.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

September 25, 1920.

: Forwarding poster, relating to
: contributions, etc., for political
: purposes and political activities.

Registers and Receivers,
U. S. Surveyors General,
and all other field officers.

Sirs:

I am sending you herewith copy of a poster issued September 17, 1920, by the Secretary of the Interior and President of the U. S. Civil Service Commission, calling attention to the provisions of certain sections of the Criminal Code relating to contributions, etc., for political purposes and political activities by government employees. You will see that this warning is posted in a conspicuous place and brought to the attention of all employees who may be under your supervision.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Circular No. 724

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

September 28, 1920.

: Applications for relief and ex-
: tension on desert entries.

Registers and Receivers,
Local Land Offices.

Sirs:

Under the regulations contained in Circular No. 490 of July 24, 1916, it is required that applications for relief on desert entries, under the last two paragraphs of section 5 of the act of March 4, 1915 (38 Stat., 1161), be referred to the Chief of Field Division, for consideration and recommendation, and a like provision is made in circular No. 532, of March 9, 1917, with reference to applications for extension of time within which to make final proofs on desert entries under the acts of March 28, 1908 (35 Stat., 52), April 30, 1912 (37 Stat., 196), and the first paragraph of section 5 of the act of March 4, 1915, supra.

In making such applications, it has been frequently found that a claimant makes a general statement as to items of expenditures and cost thereof, or refers simply to his annual proofs as evidence of the fact of expenditures. In either case, this is of little or no assistance to the field agent in making his examination.

You will in the future, therefore, in cases of application for relief, or extension of time to submit final proofs under the general desert-land laws, or acts amendatory thereto, require applicants to set forth, fully and specifically, in their applications, in either instance, each item of expenditure and the cost thereof, as well as the location, described as accurately as possible by reference to the part of the subdivision (naming it), in which any dams, canals, ditches, clearing, breaking or other improvements are claimed to have been made, independent of any showing made in the annual proof testimony.

In cases of applications for either relief or extensions hereafter filed, you will closely examine the same, and if they do not fully comply with the foregoing, you will serve notice on the applicant that thirty days will be allowed within which to file a supplemental, corroborated affidavit, curative of the defects, which should be pointed out.

Should the supplemental showing be filed, and be deemed sufficient, you will thereupon refer the application, with the supplemental showing, to the Chief of Field Division, in accordance with existing regulations; but if no showing is made, or, if filed and found to be unsatisfactory, you will transmit the application, with evidence of service, direct to this office, with appropriate recommendation.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved: September 28, 1920;
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

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Circular No. 728

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

November 13, 1920.

ACT OF DECEMBER 11, 1919 (41 STAT., 366),
LIMITING TIME FOR FILING APPLICATION FOR REPAYMENT,
ACT OF MARCH 26, 1908 (35 STAT., 48).

Registers and Receivers,
U. S. Land Offices.

Sirs:

Your attention is directed to the act of Congress, December 11, 1919, limiting the time of filing repayment claims under the act of March 26, 1908 (35 Stat., 48), to two years. The act of 1908 as amended, reads as follows:

"Sec. 1. That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application: Provided, That such person or his legal representatives shall file a request for the repayment of such purchase moneys and commissions within two years from the rejection of such application, entry, or proof, or within two years from the passage of this act as to such applications, proofs, or entries, as have been heretofore rejected.

"Sec. 2. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives: Provided, That such person or his legal representatives shall file a request for the repayment of such excess within two years after the patent has issued for the land embraced in such payment, or within two years from the passage of this act as to such excess payments as have heretofore been made.

"Sec. 3. That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof."

"Sec. 4. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

Claims for repayment under the provisions of this act, which originated prior to its passage must be filed on or before December 11, 1921. After that date the time of filing claims for repayment will be limited to two years from rejection of the application, entry, or proof; and in case of payments in excess of lawful requirement, claims for repayment must be filed within two years from issuance of patent.

This circular should be posted in a conspicuous place in your office and should be given to the press as a news item.

Very respectfully,

CLAY TALLMAN,
Commissioner.

DEPARTMENT OF THE INTERIOR: November 13, 1920.

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

Circular No. 729.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 20, 1920.

*Obsolete -
Replaced by Circ.
1790*

:Instructions relative to Section
:24, Federal Water Power Act.

Registers and Receivers,

U. S. Land Offices.

Sirs:

Section 24 of the Federal Water Power Act, reads as follows:

Sec. 24: That any lands of the United States included in any proposed project under the provisions of this Act shall from the date of the filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purpose of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such a determination, shall declare such lands open to location, entry or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purpose of this Act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this Act, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission: PROVIDED, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

Action is being taken by this office on locations, entries, selections, and filings made prior to June 10, 1920, the date of the approval of the Federal Water Power Act, in accordance with the proviso to said section.

Applications of any sort filed subsequent to June 10, 1920, looking toward the acquisition of title to public or reserved lands, within, or in conflict with power projects under this act, or which shall have been "reserved or classified as power sites," will be governed by the following rules:

Action to be Taken by Local Officers.

1. You will at once reject subject to appeal, any application filed subsequent to June 10, 1920, which is wholly in conflict with lands reserved or classified as power sites, or covered by a power application under this act, except,

(a) A homestead application predicated upon settlement prior to the reservation, classification or filing of the power application, and accompanied by corroborated affidavit of such prior settlement.

An application of this character should be received, noted in pencil on your records, and transmitted to this office by special letter, for consideration, without allowance.

(b) Any application which, were it not for the reservation, classification or power application, would be allowable, wherein claim is made, by way of corroborated affidavit, that applicant has acquired equitable rights antedating the withdrawal. Such applications should be received for transmission to this office, for consideration, but should not be allowed by you.

2. Where any such application is only partially in conflict with lands reserved or classified as power sites, you will allow it only as to the subdivisions not in conflict.

3. Where any application is presented which conflicts with a transmission line withdrawal of a strip of land crossing the land applied for, you will, if otherwise regular, allow the entry, but will note upon the face of the entry papers, and upon your records, the following:

Entry made subject to conditions and reservations of section 24, Federal Water Power Act, approved June 10, 1920, insofar as transmission line withdrawal No. _____, created by Executive withdrawal of _____, (or water power application heretofore filed under the act of June 10, 1920) may affect same.

4. Whenever you find it necessary to reject an application, in carrying out these instructions, you should inform the applicant that he is at liberty to file an application for the restoration of such withdrawn lands, under the provisions of Section 24 of the Federal Water Power Act, but that favorable action upon such application will not give the applicant any preference right,

or right to preferential treatment if or when the lands are finally restored. The lands will be so restored in strict accordance with Circular No. 324 of May 22, 1914 (43 L. D., 254), as modified by Circular No. 678 of March 31, 1920.

GENERAL

Notify all inquirers that withdrawn public lands are not subject to lease, or other disposition, other than such as is specifically recognized by the Federal Water Power Act; that there is no way to acquire preference rights, preferential treatment, or equitable or legal preference, excepting where legal or equitable rights were acquired before the withdrawal of the land, and that, in all cases where such rights are claimed, careful investigation as to its bona fides will be made before it is recognized.

You will further observe that, while the act of June 25, 1910, allows metalliferous mineral explorations and applications based thereon, the act of June 10, 1920, makes no exceptions.

Therefore, in future, any mineral application or location, based upon discoveries made subsequent to June 10, 1920, which is in conflict with lands reserved or classified as power sites, should be rejected by you, subject to appeal.

If the application alleges discovery or location prior to the date of the act, it should be accompanied by corroborated affidavit, attesting the fact, and transmitted to this office for consideration, without allowance.

Applications for permit under the oil leasing act of February 25, 1920, embracing lands applied for under the Federal Water Power Act, or reserved or classified as power sites, should be received and transmitted, as heretofore, to this office. If, upon reference of such an application for permit to the Commission, it shall determine that a permit may be granted without injury to or destruction of the value of the lands for the purpose of power development, the application will be considered and acted upon in accordance with section two, circular six hundred and seventy-two.

Lands within final power permits under the act of February 15, 1901 (31 Stat., 790), or transmission line permits or approved rights of way, whether under said act of February 15, 1901, or the act of March 4, 1911 (36 Stat., 1253) are deemed "classified as valuable for power purposes," and, whether withdrawn as power site reserves or not, occupy the status of withdrawn lands for the purposes of these regulations.

Very respectfully,

C. M. BRUCE,

Acting Commissioner.

Approved: November 20, 1920.

ALEXANDER T. VOGELSANG,

Acting Secretary.

on this is particularly true in the case of the lands and things mentioned.
The lands and things mentioned in the list are those which are the property of the
Government of the United States, and which are held in trust for the people.

SECTION 1

Where all lands and things which are the property of the Government of the United States, and which are held in trust for the people, are transferred to the Government of the United States, the Government of the United States shall have the right to use the same for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

For all lands and things which are the property of the Government of the United States, and which are held in trust for the people, the Government of the United States shall have the right to use the same for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

Where all lands and things which are the property of the Government of the United States, and which are held in trust for the people, are transferred to the Government of the United States, the Government of the United States shall have the right to use the same for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

It is the policy of the Government of the United States to use the lands and things which are the property of the Government of the United States, and which are held in trust for the people, for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

Where all lands and things which are the property of the Government of the United States, and which are held in trust for the people, are transferred to the Government of the United States, the Government of the United States shall have the right to use the same for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

It is the policy of the Government of the United States to use the lands and things which are the property of the Government of the United States, and which are held in trust for the people, for the purposes of the Government of the United States, and to dispose of the same in such manner as it may see fit.

Very respectfully,
J. M. Smith

J. M. Smith

John M. Smith

John M. Smith

John M. Smith

John M. Smith

Circular No. 730
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*678 superseded by
Circular 822*

November 24, 1920.

Registers and Receivers,

Report of filing of plats.

United States Land Offices.

When reporting (on Form 4-352) the filing of plats in your office, in accordance with instructions in 4 L. D., 202, and 45 L. D., 648, you will report, briefly, that you have also complied with Circular No. 678. See particularly Section 14.

Respectfully,

C. M. BRUCE,

Acting Commissioner.

Director of the
Bureau of the
General Land Office
Washington

Respectfully,
Very truly yours,
[Signature]
[Name]
[Title]
[Address]
[City]
[State]
[Zip]

[Faint, illegible text block]

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

(Place.)

(Date.)

REPORT OF
FILING OF PLATS.

Commissioner of the General Land Office,

Washington, D. C.

Sir:

There were filed¹ in this office on² _____,
at 9 a. m., AFTER PUBLIC NOTICE³ given as per instructions in
circular of October 21, 1885 (4 L. D., 202), the following plats
of survey:⁴

Township _____	Range _____	Approved _____	
(N. or S.)	(E. or W.)	(Date of approval.)	
Township _____	Range _____	Approved _____	
Township _____	Range _____	Approved _____	
Township _____	Range _____	Approved _____	

_____, Register.

_____, Receiver.

(1) The date of FILING is the date the land becomes subject to entry under the plat, and must not be confused with the date of receipt of the plat from the surveyor-general. (4 L. D., 202.)

(2) Insert the date of filing, and do not include plats filed on different dates. Make report on date of filing.

(3) Amended plats showing changes in existing subdivisional surveys do not require notice of the filing (30 L. D., 468, 471), and these words will be stricken out in reporting the filing of such supplemental plats.

(4) Where a plat has been suspended and land withdrawn from entry pending a resurvey notice will be given, as for original survey, of the date on which the plat of resurvey will be officially filed.

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

REPORT OF
FILING OF PLATS

Commissioner of the General Land Office,

Washington, D. C.

247

There were filed in this office on:

as 9 a. m., AFTER PUBLIC NOTICE given as per instructions in
circular of October 21, 1888 (4 L. D., 303), the following plats
of survey:

Township	Range	Approved
Township	Range	Approved
Township	Range	Approved
Township	Range	Approved
Township	Range	Approved

Register.

Receiver.

(1) The date of filing is the date the land was surveyed and the date when the plat was filed in the office of the Commissioner of the General Land Office. (4 L. D., 303.)
(2) The date of filing is the date when the plat was filed in the office of the Commissioner of the General Land Office. (4 L. D., 303.)
(3) The date of filing is the date when the plat was filed in the office of the Commissioner of the General Land Office. (4 L. D., 303.)
(4) The date of filing is the date when the plat was filed in the office of the Commissioner of the General Land Office. (4 L. D., 303.)
(5) The date of filing is the date when the plat was filed in the office of the Commissioner of the General Land Office. (4 L. D., 303.)

Circular No. 733.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON D.C.

January 22, 1921.

ACCOUNTS: Receipts under Mineral
Leasing Act.

Receivers of Public Moneys
U.S. Land Offices.

Sirs:

Beginning with the month of January, 1921, receivers of public moneys will report promptly at the end of each month receipts on account of rents and royalties under the mineral leasing Act (February 25, 1920). This report should be made on an Abstract of Moneys Received (Form 4-103.) and should show the same information in connection with each item as will be shown in the regular abstract of moneys received. It will in no way take the place of accounting for such moneys in the usual manner.

When such moneys are applied, instead of being listed on the regular abstract of moneys returned or applied, they should be listed on the abstract of moneys applied (Form 4-103b.), with the money columns headed "Receipts under Mineral Leasing Act (Feb. 25, 1920), or "Receipts under Mineral Leasing Act, Naval Petroleum Reserve Lands (Feb. 25, 1920)" as the case may be. The abstract should also show in the right hand margin in connection with each item, whether for "Past" or, "Future" production. This is necessary because receipts on account of past ~~and~~ future production are distributed differently. Receipts for Past production refer to the back royalties paid as a condition for relief under Sections 18 and 19 of the leasing Act. All other receipts under the act are for future productions. (See Paragraph 18(H) and 20B (c) Circular 672.)

The fund titles should be used in accounts current and on certificates of deposit to the credit of the Treasurer of the United States; and the Treasury Department requests that the certificates of deposit shall also show whether the moneys are for "past" or "future" production.

Strict compliance with these instructions is necessary to enable this office and the Treasury department to carry out the provisions of the act with regard to the disposition of receipts thereunder.

Very Respectfully,

Clay Tallman,
Commissioner.

Circular No. 100

Department of the Interior

General Land Office

Washington, D.C.

January 22, 1921.

Subject: Reservations under Mineral

Leasing Act.

Reservations of Public Lands

U.S. Land Office.

Sir:

Beginning with the month of January, 1921, reservations of public lands will be made at the end of each month according to the amount of land and minerals under the mineral leasing act (Pub. Law No. 120, 1920). This report should be made on an estimate of land and minerals known to be in the public domain in the month of January, 1921. It will be in no way affect the amount of land and minerals in the public domain.

When such reports are made, instead of being filed on the regular report of reserve lands or minerals, they should be filed on the report of reserve lands (Form 4-1000). When the report is made, it should be filed under Mineral Leasing Act, Public Law No. 120, 1920. The report should be filed in the right hand margin in connection with the report of reserve lands or minerals. This is necessary because the report of reserve lands or minerals is filed under sections 10 and 11 of the Mineral Leasing Act. All other reports should be filed under sections 12 and 13 of the Mineral Leasing Act. (See Circular 100, and also Circular 1000.)

The first thing should be done in connection with the report of reserve lands or minerals is to file the report on the right hand margin in connection with the report of reserve lands or minerals. This is necessary because the report of reserve lands or minerals is filed under sections 10 and 11 of the Mineral Leasing Act. All other reports should be filed under sections 12 and 13 of the Mineral Leasing Act. (See Circular 100, and also Circular 1000.)

Very respectfully,
Sincerely,
Wm. H. Hall,
Chief of the General Land Office.

CIRCULAR NO. 734
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON,

January 25, 1921.

: Special instructions relative to
: rejection of applications for lands
: withdrawn under the first form as
: provided in the reclamation act.

Registers and Receivers,
United States Land Offices.

Sirs:

By direction of the First Assistant Secretary of the Interior, as set forth in an order dated January 12, 1921, you are instructed as follows:

(1) Cases are being received by the General Land Office wherein entries have been allowed for lands situated within areas withdrawn under the first form of the reclamation act of June 17, 1902 (32 Stat., 388). Such practice is contrary to the rules and regulations of the Department of the Interior. Your attention is particularly called to paragraph 13 of the circular approved May 18, 1916 (45 L.D. 385, 388), containing the laws and regulations relating to the reclamation of arid lands by the United States, in which it is specifically stated that, after lands have been withdrawn under the first form, they can not be entered, selected, or located in any manner so long as they remain so withdrawn, and all applications for such entries, selections, or locations should be rejected and denied, regardless of whether they were presented before or after the date of such withdrawal.

(2) Paragraph 20 of said regulations contains the statement that, upon cancellation of an entry covering lands embraced within a withdrawal under the reclamation act, such withdrawal becomes effective as to such lands without further order; also, that such lands under first form withdrawal can not, so long as they remain so withdrawn, be entered or otherwise appropriated, either by a successful contestant or any other person.

(3) The act of February 18, 1911 (36 Stat., 917), as amended by Section 10 of the act of August 13, 1914 (38 Stat., 686), relating to entries made prior to June 25, 1910, that have been or may be relinquished, in whole or in part, has reference only to lands covered by second form withdrawals, and is, therefore, inapplicable in the case of lands withdrawn under the first form. See paragraph 4 of the regulations of May 18, 1916.

(4) You will in the future adhere to a strict observance of the rules and regulations pertaining to first form withdrawn lands and cause all applications for the entry of lands within such areas to be promptly rejected.

Very respectfully,

(Signed) CLAY TALLMAN,
Commissioner.

(2779)

THE
UNITED STATES OF AMERICA
DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

1. The purpose of this document is to provide information regarding the procedures for the procurement of supplies and services for the Department of the Army.

2. This document is intended for use by personnel responsible for the procurement of supplies and services for the Department of the Army.

3.

4. The information contained in this document is for informational purposes only and should not be used as a basis for making decisions regarding the procurement of supplies and services for the Department of the Army.

5. The information contained in this document is for informational purposes only and should not be used as a basis for making decisions regarding the procurement of supplies and services for the Department of the Army.

6. The information contained in this document is for informational purposes only and should not be used as a basis for making decisions regarding the procurement of supplies and services for the Department of the Army.

7. The information contained in this document is for informational purposes only and should not be used as a basis for making decisions regarding the procurement of supplies and services for the Department of the Army.

8. The information contained in this document is for informational purposes only and should not be used as a basis for making decisions regarding the procurement of supplies and services for the Department of the Army.

9.

(Continued)

10.

of applications to amend, of course, this office with the petition and facing as above stated.

to this office and you will carefully the lands applied to act upon the forwarded to the application to make action has been

pending in your stock raising law, and because of the which have been such withdrawal receivers will be stock-raising and, therefore, when called upon time. Said semi-ber 1 and May 1, numbers and the

stock-raising applica- ce should be sentvey for consider-

Commissioner.

JOGELSANG,
Assistant Secretary.

DESIGNATE

ERIOR, FEDERAL
LAND OFFICE, at Wash-
ington, D. C., February 26, 1921.

ical Survey has under both the eg received from e, sometimes, e appropriation

and entry because embraced in stock-driveway or other withdrawals or reservations. This indicates that the petitions are being transmitted without examination of your records.

You are directed, that where an application to enter accompanied by a petition to designate is received in your office, before transmitting the petition, to examine the records of your office for the status of the land involved and, if it is found that the land is already designated or an objection is shown which prevents the entry of the land or part thereof, not to forward the petition but to take appropriate action on the application for entry.

These instructions are not intended to affect the present practice under circular 729, relative to withdrawals or reservations under the Federal water power act.

Very respectfully,

CLAY TALLMAN, Commissioner.

CIRCULAR No. 738

AMENDMENT TO STOCK-RAISING HOMESTEAD APPLICATION AND AFFIDAVIT

INSTRUCTIONS

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, March 7, 1921.

Registers and Receivers, United States Land Offices.

SIRS: On February 18, 1921, the department approved an amendment of the application and affidavit stock raising homestead entry, original and additional, Forms 4-016 and 4-016a, by making an additional requirement in the original entry—

That no part of said land is claimed, occupied, or being worked under the mining laws; that said land is unoccupied and unappropriated by any person claiming the same under the public land laws other than myself.

And in the additional—

That no part of said land is claimed, occupied, or being worked under the mining laws.

Inasmuch as there are at this time a large number of these blanks on hand, new forms will not be printed until the present supply is exhausted. You will, therefore, before allowing any new application under the stock raising law, require the applicant to furnish an additional affidavit as set out in the amendment above mentioned.

Very respectfully,

CLAY TALLMAN, Commissioner.

CIRCULAR NO. 743

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

March 28, 1921.

ACCOUNTS: Receipts under
: Mineral Leasing Act.

Receivers of Public Moneys,
U. S. Land Offices.

Sirs:

As there no longer appears to be any doubt as to the final disposition of moneys received on account of rents and royalties under the Mineral Leasing Act of February 25, 1920, all such moneys now in your "Unearned Money" accounts and hereafter received shall be deposited at once to the credit of the Treasurer of the United States, in accordance with Circular 733 of January 22, 1921.

As the application of the moneys when received will result in all such receipts being listed in the abstract of moneys applied for the month during which they are received, it will no longer be necessary to furnish the additional abstract of moneys received called for by the above circular.

Very respectfully,

WILLIAM SPRY
Commissioner.

(3010)

CIRCULAR NO. 745.

PROOFS ON HOMESTEADS BY INCAPACITATED SOLDIERS—ACT OF
MARCH 1, 1921 (PUBLIC 351)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 2, 1921.

*Registers and Receivers,
United States land offices.*

SIRS: Your attention is directed to the act of March 1, 1921 (Public 351), which provides:

That any settler or entryman under the homestead laws of the United States, who, after settlement, application, or entry and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to return to the land, may make proof, without further residence, improvement, or cultivation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon: *Provided*, That no such patent shall issue prior to the survey of the land.

2. The benefits of this act extend to persons who, prior to November 11, 1918, and during the war with Germany, were actually engaged in the United States Army, Navy, or Marine Corps, regardless of the dates of their enlistments, provided they entered the service after making settlement upon the land claimed or after filing an allowable application for entry thereof.

3. If the land involved be unsurveyed, and entry be not yet allowed, the proof may nevertheless be submitted and accepted, the current serial number being given the case; but final certificate will not issue unless and until all moneys properly due shall have been paid and entry by the soldier shall have been allowed, according to an approved survey.

4. Notice of intention to submit proof must be given in the usual manner by posting and publication; and, in case of unsurveyed land, affidavit evidence must be filed, showing posting of the notice in a conspicuous place on the land.

5. The proof shall consist (a) of affidavit of the homesteader (taken before any officer at any place who is authorized to administer oaths and who uses an official seal) showing that he is unable to return to the land on account of physical incapacity due to service in the United States Army, Navy, or Marine Corps during the war with Germany, and describing the nature and extent of such disability; (b) of the testimony of two witnesses taken in similar manner corroborating the statements in that regard and of these witnesses at least one must be a practicing physician; (c) of the copy of his discharge from the Army, Navy, or Marine Corps, or an affidavit

CIRCULAR NO. 746.

See Circ. 748

VALIDATION OF ENLARGED HOMESTEAD ENTRIES—ACT OF
MARCH 4, 1921 (PUBLIC 390)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 4, 1921.

Registers and receivers, United States land offices, Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

SIRS: In order that you may be properly informed, and in view of entries now pending in your offices, which may be validated thereby, your attention is invited to section 1 of the act of Congress approved March 4, 1921 (Public 390), which reads as follows:

That all pending homestead entries made in good faith prior to January 1, 1916, under the provisions of the enlarged homestead laws, and all rights to enter land under said laws, based on settlement made thereon in good faith before said date, and while the land was unsurveyed, by persons who, before making such enlarged homestead entry, had acquired title to land under the homestead laws, and therefore were not qualified to make an enlarged homestead entry, or such settlement, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than one hundred and sixty acres of land: *Provided*, That no settlement claim shall be validated hereby where adverse claim for the land has been initiated before the passage of this act.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:

E. C. FINNEY,
First Assistant Secretary.

3-28 11s.

45901-21

CIRCULAR NO. 748.

SECOND HOMESTEAD ENTRY—FIRST ENTRY PERFECTED UNDER
ACT OF JUNE 15, 1880—VALIDATION BY ACT OF MARCH 4, 1921—
INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 12, 1921.

*Registers and Receivers,
United States Land Offices.*

SIRS: Your attention is invited to section 2 of the act of Congress approved March 4, 1921 (Public, No. 390), which reads as follows:

That no homestead entry heretofore made under the provisions of section 2 of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., 237). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June 15, 1880, is not entitled to the benefits of the act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries, except that a former entry was perfected under the act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

2. Said section validates all uncanceled entries made prior to March 4, 1921, under section 2, act of June 5, 1900 (31 Stat., 267), by persons who had purchased under section 2 of the act of June 15, 1880 (21 Stat., 237), and authorizes the reinstatement of canceled entries of that kind in cases where valid adverse rights have not attached; but this act will not prevent the cancellation of such entries on any other proper grounds.

3. An entryman, or his heirs, seeking reinstatement of a canceled entry, must, on or before March 4, 1922, file at the local land office a sworn application for such reinstatement. Therein it must be shown that the law was complied with as to said entry until the initiation of proceedings against it, and that there is no valid adverse claim for any part of the land involved. The register and receiver will at once forward the application with their report as to the status of the tract and their recommendation.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:
E. C. FINNEY,
First Assistant Secretary.

**PUBLIC RESOLUTION NO. 64, APPROVED MARCH 3, 1921—WAR
TERMINATED TO CERTAIN INTENTS—INSTRUCTIONS.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 16, 1921.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Public resolution No. 64, approved March 3, 1921, provides that in the interpretation of any provision relating to the termination of "the present war" or of "the present or existing emergency," the date of the resolution shall be treated as the date of the termination of the war and emergency. Certain exceptions are made but these do not appear to include any public land matters.

2. Attention is invited to the following statutes affected by this legislation:

(a) The act of October 6, 1917 (40 Stat., 391), relating to execution of affidavits before the commanding officer of a public land claimant.

(b) The act of February 25, 1919 (40 Stat., 1161), relating to the credit accorded a soldier, sailor, or marine, in connection with a homestead claim on account of military service.

(c) The act of July 28, 1917 (40 Stat., 248), giving credit for military service after initiation of a homestead entry and requiring certain allegations to be made in contest affidavits. Notwithstanding the present legislation, an affidavit of contest on the ground of abandonment must negative the fact that the homesteader is in the military service pursuant to an enlistment antedating March 3, 1921; also the fact that any part of the entryman's alleged absence from the land before that date was due to employment in the Army, Navy, or Marine Corps or other organization described in the act of July 28, 1917. Proof at the hearing must cover these points.

(d) The Soldiers' and Sailors' Civil Relief Act of March 8, 1918 (40 Stat., 440). To all intents and purposes within the meaning of this act, the war terminated March 3, 1921; but this termination does not affect any extension of time for payment of installments of the price of land to which a person had already become entitled under rules and regulations heretofore issued.

(e) The act of August 7, 1917 (40 Stat., 250), granting further time to soldiers to fulfill requirements on desert land entries.

(f) Section 8 of the act of August 31, 1918 (40 Stat., 955), relating to entries by persons under 21 years of age, who were in the military service during the war.

(g) The Farm Labor Leave Act of December 20, 1917 (40 Stat., 430). The war ended to all intents and purposes within the meaning of this act on March 3, 1921.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved:
E. C. FINNEY,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

May 11, 1921.

CIRCULAR NO. 754.

Amendment of Circular No. 672,
in regard to bonds with appli-
cations for permits.

*Revooked by
Circ. 1111*

Registers and Receivers,
U. S. Land Offices.

Sirs:

Paragraph 4 (h) of Circular No. 672, is hereby amended to read
as follows:

"The application must be accompanied by a bond with
qualified corporate surety, in the sum of \$1,000,
conditioned against the failure of the permittee to
repair promptly, so far as possible, any damage to the
oil strata or deposits resulting from improper methods
of operation. The penalty of the bond may be increased
by the Secretary of the Interior when conditions warrant,
particularly in relief cases."

You will give all publicity possible to this amendment to the
regulations and should any applications be filed without a bond, you
will advise the applicant that he will be allowed 15 days within which
to file such bond under penalty of rejection of his application.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 11, 1921

E. C. FINNEY,

First Assistant Secretary.

CIRCULAR NO. 759

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

June 18, 1921.

- : Amending general reclamation
- : circular of May 18, 1916 and
- : modifying departmental decision
- : in the case of John J. Maney
- : (35 L. D., 250).

Registers and Receivers,
United States Land Offices.

Sirs:

You are hereby advised that, in view of the decisions of the U. S. Supreme Court in the cases of *Payne v. Central Pacific Railway Company*, decided February 28, 1921, and *Payne v. New Mexico*, decided March 7, 1921, the First Assistant Secretary of the Interior, by order approved May 27, 1921, revoked paragraph 15 of the General Reclamation Circular dated May 18, 1916, and amended paragraphs 13, 14 and 16 of said circular, as hereinafter set forth. Said order also modified the decision in the case of John J. Maney (35 L. D. 250), in so far as said decision is in conflict with the action taken in this order.

13. After lands have been withdrawn under the first form they can not be entered, selected or located in any manner so long as they remain so withdrawn, and all applications for such entries, selections, or locations presented after the date of such withdrawal should be rejected and denied. Any withdrawal otherwise valid shall not be affected by failure to note same on tract book or otherwise follow usual procedure. (42 L.D. 318). Lands can not be examined at the instance of individuals prior to the completion of construction to determine whether particular lands will be irrigable. (42 L.D. 8).

14. If any lands embraced in any unapproved or uncertified selection are needed in the construction and maintenance of any irrigation works (other than for right of way for ditches or canals reserved under act of August 30, 1890, 26 Stat., 391) under the reclamation law, payment therefor will be made upon agreement of the owner with the representative of the Government as to the value of the land and the improvements thereon. Where the owner of the land and the representative of the Government fail to agree as to the amount to be paid therefor, the same shall be acquired by condemnation proceedings under judicial process, as provided by section 7 of the reclamation act of June 17, 1902 (32 Stat., 388).

15. (Revoked).

16. Lands withdrawn under the second form and becoming subject to entry in the manner provided by section 10 of the act of August 13, 1914, can be entered only under the homestead laws and subject to the provisions, limitations, charges, terms, and conditions of the reclamation law, and all applications to make selections, locations, or entries of any other kind on such lands should be rejected, except that where settlement rights were acquired prior to the withdrawal and have been diligently prosecuted and the homestead law complied with, the settler will be entitled to make and complete his entry subject to all the charges, terms, conditions, limitations, and provisions of the reclamation law. (See Sarah E. Allen, 44 L. D. 331). No person will be permitted to gain or exercise any right whatever under any settlement or occupation begun after withdrawal of the land from settlement and entry until the land becomes subject to settlement and entry under the provisions of the acts of June 25, 1910 (36 Stat., 835), February 18, 1911 (36 Stat., 917), and section 10 of the act of August 13, 1914 (38 Stat., 686) or is restored to the public domain.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Rulings of this department in cases involving a like situation, arising under other land laws, are to the contrary. In the case of Charles C. Conrad (39 L. D. 432), where a homestead application was filed, and where the entryman had performed all acts necessary to complete his application, but by reason of delay in action thereupon by the local office a first form withdrawal under the reclamation act intervened, the department held that his rights could not be prejudiced by the inability of the local office to allow the application until after the withdrawal, but that they related back to the time when he filed in the local land office his application, accompanied by the required showing, including the fees, the land being then subject to his application.

This and similar rulings of the department are approved in principle by the recent decisions of the Supreme Court of the United States in cases of *Payne v. Central Pacific Railway Co.* (Feb. 28, 1921); *Payne v. New Mexico* (Mar. 7, 1921); and *Wyoming v. United States* (Mar. 28, 1921).

Applying the principle so announced, it is clear that not only equitably but legally qualified persons, who filed proper applications for oil or gas prospecting permits under the act of February 25, 1920, can not and should not be deprived of their rights if, because of delay in action upon the applications so filed, there intervenes a designation by this department of the lands as being within the geological structure of a producing oil or gas field occasioned by a discovery of oil or gas subsequent to the filing of the application in the local land office. Accordingly, said regulation is hereby revoked, and in future applications will be adjudicated in accordance with the views herein expressed.

The statute, however, specifically forbids the allowance and approval of a prospecting permit upon lands within a "known geological structure of a producing oil or gas field" (section 13), and in section 17 provision is made for the disposition of unappropriated lands in such structures by competitive bidding. Therefore, nothing in this opinion shall be construed as modifying or affecting previous decisions of this department to the effect that prospecting permits can not be allowed within the geological structure of a producing oil or gas field, so known and existing at and prior to the filing of the application for the prospecting permit.

Respectfully,

ALBERT B. FALL, *Secretary.*

[Reported, 48 L. D. 152]

CIRCULAR NO. 761

REWARD FOR DISCOVERY; AMENDMENT OF CIRCULAR 672

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

Washington, June 15, 1921.

Registers and Receivers, United States District Land Offices.

SIRS: The regulations pertaining to and governing oil and gas permits and leases, pursuant to the act of Congress of February 25, 1920 (41 Stat. 437), published as Circular No. 672, are hereby

amended so as to incorporate therein a new paragraph, to be numbered paragraph 8 (a), reading as follows:

8 (a). When an application for a lease of the one-fourth part of the area affected by a prospecting permit is submitted, supported by the requisite evidence of discovery and production of oil or gas, such application must be accompanied by further application by the permittee, or by an assignee of such permittee, for a lease of the remaining portion of the area described in the permit; or, in the alternative, a relinquishment of the permit and waiver of preference right in respect of such remaining area must be submitted.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved June 15, 1921.

E. C. FINNEY,
Acting Secretary.

[Reported, 48 L. D. 234]

CIRCULAR No. 785

INSTRUCTIONS RELATING TO NONCOMPLIANCE WITH TERMS OF PERMIT

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 14, 1921.

Registers and Receivers, United States Land Offices.

SIRS: In the case of oil and gas prospecting permits issued under section 13 of the act of February 25, 1920 (41 Stat. 437), and where more than 12 months and 10 days have elapsed you will not call for corroborated affidavits describing the work done upon the land pursuant to the letter of the Secretary of the Interior, dated January 12, 1921, unless directed to do so by this office in any specific case.

The department, however, will consider any information as to noncompliance with the terms of a permit and should such showing be filed you will transmit same to this office for consideration.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved October 14, 1921.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 48 L. D. 340]

CIRCULAR No. 795²⁰

INSTRUCTIONS RELATIVE TO RENTAL DEDUCTIONS IN OIL AND GAS LEASES

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 8, 1921.

Registers and Receivers, United States Land Offices.

Sms: Section 14 of the act of February 25, 1920 (41 Stat. 437), relative to oil and gas leases, provides for the payment in advance

Circular No. 765.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 12, 1921.

:Reduce requests for supplies.
:Exercise economy along all lines.

Registers and Receivers, U. S. Surveyors General,
Chiefs of Field Division, U. S. Supervisor of
Surveys and other field officers.

Sirs:

It is observed from the requisitions now being submitted that supplies are requested in very large quantities and that economy is not exercised in making up the requests.

The Department has directed that we curtail in expenditures along all lines and that requisitions for supplies be cut to as small an amount as necessary for the proper transaction of business.

I therefore direct that when making up annual or semi-annual requisitions, or any other time when in need of supplies, you prepare your requests carefully; do not get them up in an arbitrary or perfunctory manner. Take pains in their preparation. Consider how the articles are to be used; the business coming before you and the quantity on hand. When reporting "Quantity on Hand", state that which is on the desks as well as in stock. I can not emphasize too strongly that you must exercise diligence in preparing your requests, for if you do not do so this office will be forced to cut in order not to exceed the appropriations from which the supplies are to be paid, and which have been reduced.

Your cooperation is earnestly requested in this matter.

Very respectfully,

WILLIAM SPRY,

Commissioner.

OFFICE OF THE
DIRECTOR

DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

1917

THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

TO THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

1917

RECEIVED
1917

THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

1. The Secretary of the Army
Washington, D. C.

THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

1917

1917

[Reported, 48 L. D. 172]

INSTRUCTIONS UNDER ADMINISTRATIVE ORDER OF APRIL 23, 1921—STATE, RAILROAD, AND LIEU SELECTIONS, ETC.—WITHDRAWALS

CIRCULAR No. 768

**DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 4, 1921.**

Registers and Receivers, United States Land Offices, and Chiefs of Field Divisions.

SIRS: Attention is directed to the administrative order of April 23, 1921 (48 L. D. 96), as follows:

The Supreme Court of the United States in *Payne v. Central Pacific Railway Company*, on February 28, 1921, decided that the railroad indemnity selection there involved should be disposed of "on its merits unaffected by the withdrawal" of the land made after perfection of the selection for a water-power site under the act of June 25, 1910 (36 Stat. 847). On March 7, 1921, in the case of *Payne v. New Mexico* the court concluded that the Land Department should dispose of the State's school-land indemnity selection "in regular course unaffected by the elimination of the base tract from the reservation" for forestry purposes after the completion of the selection. In the case of *Payne v. United States ex rel. Newton*, on March 14, 1921, the court referred to the departmental instructions issued April 25, 1914 (43 L. D. 294), and said:

"The Secretary stated that the lapse of two years after the issue of the receiver's receipt will bar a contest or protest based upon any charge whatsoever, save where the proceeding is sustained by some special statutory provision."

In *Wyoming v. United States*, decided on March 28, 1921, the court held that the conditions obtaining at the date of the completed school-land indemnity selection, with respect to the character of the land, whether known or believed to be mineral, were controlling and that the Land Department was without authority to cancel the selection on the ground that the selected land was subsequently included in a petroleum withdrawal and proven to be mineral land.

The administrative ruling of July 15, 1914 (43 L. D. 293), is not in harmony with said court decisions, and in so far as said ruling is in conflict therewith the same is hereby modified to conform to the holdings of the court. All departmental decisions based on said ruling which are not in harmony with those decisions among which are *State of California et al.* (44 L. D. 115), *State of California et al.* (44 L. D. 468), *State of Utah* (45 L. D. 551), and *State of New Mexico* (46 L. D. 217), are hereby overruled.

The future adjudication of cases controlled by the decisions mentioned will be in harmony with the principles announced in those decisions.

This order will not affect the disposition of the question of the mineral character of land claimed under the railroad-land grants, either within the place or the indemnity limits, or under the swamp-land grants. The well-established practice and procedure now prevailing as to such lands will continue to be followed.

In accordance with said order, chiefs of field divisions will report to this office, without investigation or further examination, and enter on their books all matters involving State, railroad indemnity, lieu

selections, and other like claims to land which have been completed and perfected and are now merely awaiting field examination solely for the purpose of determining whether or not the lands claimed are of value or watering places or for power or reservoir purposes.

Field investigation with respect to minerals of lands involved in State selections, lieu selections, and other like claims is to be made for the purpose of determining their character—whether nonmineral or known or believed to be mineral—at the time of the perfected selection or claim, and hearings proceedings are to be conducted for the same purpose.

Field investigations and hearings with respect to minerals will proceed as heretofore in connection with railroad and wagon-road place and indemnity lands and with lands claimed by States as swamp and overflowed in character.

If doubt is entertained as to whether any particular selection or claim to land is to be returned without field examination or hearing heretofore ordered, advice from this office should be sought in the particular case, and action taken in accordance therewith. The purpose of these instructions is to indicate procedure broadly and in general terms, rather than to formulate specific rules to be held applicable in any possible case which may arise.

The regulations governing selections by States of indemnity school lands and of lands under quantity grants for specific purposes (39 L. D. 39) require publication of notice of the selections to be made by the State and proof thereof filed in the local land office within 90 days after receipt by the State officials of the notice for publication as prepared by the register at the time of the acceptance of the selection. Such selections, regular in all respects when filed, and perfected by the timely filing of the requisite proofs, are effective from the date filed. If defective when presented, or not perfected by timely filing of proofs, they are effective only from the time the defect is cured or the required proofs are filed.

Final action on pending selections coming within the rule announced in the administrative order, *supra*, made for lands, which after selection were embraced within the boundaries of mineral withdrawals, and in connection with which mineral waivers or elections have been filed, in the absence of request for present action on the record, will be suspended for a period of six months from the date hereof, in order that opportunity may be afforded for the filing of formal motions for readjudication in the light of said order. Notice is given, however, that should such motion be filed, it may be necessary to have a field investigation made for the purpose of ascertaining the known character of the land as of the time of the perfection of the selection.

Respectfully,

WILLIAM BRY, Commissioner.

Approved August 4, 1921.

E. G. FOWLER,

First Assistant Secretary.

Circular No. 770

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

August 6, 1921.

Amendment of Circular
No. 86, relating to
Sec. 7 of the enlarged-
homestead act.

Registers and Receivers,

United States Land Offices.

Sirs:

On July 22, 1921, the Department amended the second paragraph of section 6 of the regulations (Circular No. 486), of July 8, 1916 (45 L.D., 208), under the act of July 3, 1916 (39 Stat., 344), adding a seventh section to the enlarged-homestead act, to read as follows:

"In the proof, to be submitted within five years after the date of additional entry, there must be shown residence on the additional tract - or on the original, if permitted under the twenty mile exception above explained, for not less than three years, subject to the privilege of being absent five months in each year, as provided by the three year homestead law; also cultivation of not less than one-sixteenth of the additional tract during the second year after the date of the entry, and of not less than one-eighth of its area during the third year and until submission of proof; but residence and cultivation for the requisite period after the date of the application and until the submission of proof will be accepted. If the land is most valuable for grazing, and an order entered relieving entryman from cultivating the required area, proof that the tract has been grazed for three years will be accepted. Credit for military service will be allowed as in other cases."

Very respectfully,

WILLIAM SPRY,

Commissioner.

Office of the

Secretary of the

Board of

Education

June 1, 1911

Secretary of the
Board of
Education
Washington, D.C.

Dear Sir:

I have the honor to

acknowledge the receipt of your letter of the 28th inst.

relative to the proposed change in the curriculum of the

High School, and in reply to inform you that the same

has been referred to the Committee on Curriculum

and that they are now considering the same. I am sorry that I cannot give you a more definite answer at this time, but I am sure that you will understand the necessity of this delay. I will be glad to call on you at any time and discuss the matter in detail. Very respectfully,
[Signature]

Very truly yours,

John D. Smith

Secretary

[PUBLIC—No. 64—67TH CONGRESS.]

[H. R. 4813.]

An Act Changing the period for doing annual assessment work on unpatented mineral claims from the calendar year to the fiscal year beginning July 1 each year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of "An Act to amend sections 2324 and 2325 of the Revised Statutes of the United States concerning mineral lands," approved January 22, 1880, be, and the same is hereby, amended to read as follows:

"SEC. 2. That section 2324 of the Revised Statutes of the United States be amended by adding the following words: '*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the 1st day of July succeeding the date of location of such claim: *Provided further*, That on all such valid existing claims the annual period ending December 31, 1921, shall continue to 12 o'clock meridian July 1, 1922.' "

Approved, August 24, 1921.

amended so as to incorporate therein a new paragraph, to be numbered paragraph 8 (a), reading as follows:

8 (a). When an application for a lease of the one-fourth part of the area affected by a prospecting permit is submitted, supported by the requisite evidence of discovery and production of oil or gas, such application must be accompanied by further application by the permittee, or by an assignee of such permittee, for a lease of the remaining portion of the area described in the permit; or, in the alternative, a relinquishment of the permit and waiver of preference right in respect of such remaining area must be submitted.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved June 15, 1921.

E. C. FINNEY,
Acting Secretary.

[Reported, 48 L. D. 234]

CIRCULAR No. 785

INSTRUCTIONS RELATING TO NONCOMPLIANCE WITH TERMS OF PERMIT

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 14, 1921.

Registers and Receivers, United States Land Offices.

SIRS: In the case of oil and gas prospecting permits issued under section 13 of the act of February 25, 1920 (41 Stat. 437), and where more than 12 months and 10 days have elapsed you will not call for corroborated affidavits describing the work done upon the land pursuant to the letter of the Secretary of the Interior, dated January 12, 1921, unless directed to do so by this office in any specific case.

The department, however, will consider any information as to noncompliance with the terms of a permit and should such showing be filed you will transmit same to this office for consideration.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved October 14, 1921.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 48 L. D. 340]

CIRCULAR No. 795²⁰

INSTRUCTIONS RELATIVE TO RENTAL DEDUCTIONS IN OIL AND GAS LEASES

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 8, 1921.

Registers and Receivers, United States Land Offices.

SIRS: Section 14 of the act of February 25, 1920 (41 Stat. 437), relative to oil and gas leases, provides for the payment in advance

²⁰ Modified by Circular No. 874, p. 919.

Circular No. 794.
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 10, 1921.

: Special attention
: to final proofs.

Registers and Receivers,
U. S. Land Offices.

Gentlemen:

In the examination of final proofs, the record is often found in such condition that action thereon is not justified without supplemental proof, which results in delay both expensive and annoying to the claimant, and properly subjects the service to severe criticism where such conditions are due to a perfunctory discharge of statutory duties.

Some of the most frequent defects in final proofs for which you are responsible, and which could be easily prevented by proper attention, are the following:

- (1) Failure to verify the description in notice of intention to submit final proof before issuance of notice for publication.
- (2) Failure to properly scrutinize affidavit of publication.
- (3) Failure to sign jurats when proof is taken at the local office.

Circular No. 795
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 8, 1921.

:Instructions relative to
:rental deductions in oil
:and gas leases.

Registers and Receivers,
U. S. Land Offices.

Sirs:

Section 14 of the Act of February 25, 1920 (41 Stat., 437), relative to oil and gas leases, provides for the payment in advance of an annual rental of \$1.00 per acre in cash on the acreage covered by the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

For the purpose of establishing a uniform practice of handling this rental problem the following rules are prescribed:

1. On the first day of each year of the lease, reckoned from the date stated in the first paragraph thereof, the annual rental becomes due and payable in cash. This must be paid directly to the Receiver of Public Moneys of the land district in which the land is situated.
2. In the event the royalty is to be paid in cash, the lessee shall deduct from royalty payments to the local Receiver the amount of the rental paid for that year from the first royalty due, until the accrued royalty equals the annual rental paid.
3. If the royalty is to be paid partly in crude oil and partly in cash, the entire deduction necessary to offset the rental paid shall be taken from the first accrued cash royalty only.
4. If the royalty is to be paid in kind only, the lessee shall deduct from the first accrued royalty product such quantity thereof as will, at the approved selling price on the date of deduction, equal in value the cash rental paid for that year.
5. The date, amount, and character of deduction made to offset rental payments must be shown in the itemized monthly statement required in the lease covering the month when the deduction is made.

Approved: December 8, 1921.
F. M. GOODWIN,
Assistant Secretary.

Very respectfully,
WILLIAM SPRY,
Commissioner.

Circular No. 796

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 20, 1921.

Applications for reduction
of the required area of cul-
tivation.

Registers and Receivers,

United States Land Office.

Sirs:

Circular No. 195, dated November 16, 1912, directing that all applications for reduction of the required area of cultivation be transmitted to Chiefs of Field Divisions, is hereby revoked.

In the future, after indorsing thereon their recommendations and making the necessary notations on their records, local officers will at once forward such applications to this office, without letter of transmittal.

If final proof on the entry involved has been submitted, the same should be forwarded with the application for reduction.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(3788)

Circular No. 12
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 20, 1912.

Applications for reduction
of the reserved area of land
situated.

Having the said land
Unit of land in land office.
Sincerely,

Circular No. 12, dated November 16, 1912, directing that all
applications for reduction of the reserved area of land be
submitted to the Chief of Field Division, to be properly reviewed.
In the future, after receiving the report of the Commissioner
and making the necessary notation in their records, local offices will
be sent to the Chief of Field Division to the office, without delay of

It is the policy of the entry involved has been reviewed, the
same should be furnished with the application for reduction.

Very respectfully,
WILLIAM C. CROW,
Director.

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Circular No. 809.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 15, 1922.

Bond of lessees and
Sec. 6 (c) of lease form
Circular No. 679 amended.

Registers and Receivers,

United States Land Offices.

Sirs:

The regulations governing coal-mining leases, permits, and licenses under the act of February 25, 1920, Circular No. 679, approved April 1, 1920 (47 L. D. , 489), is hereby amended, by adding to section 8 thereof, the following provisions:

"In case of lease for a small area, where the investment to be made is \$10,000 or less, the lessee shall furnish one bond to cover both the investment and compliance with the terms of the lease, such bond to be in half the amount of the investment to be made, but in no case shall it be less than \$1,000. The bond executed by the lessee shall be with approved corporate surety or with two qualified individual sureties, together with affidavits of justification by the sureties that each of said sureties is worth double the sum specified in the undertaking over and above their just debts and liabilities in real property exempt from execution, and a certificate by a judge or clerk of a court of record, a United States District Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signatures, and financial competency of the sureties."

Accordingly, Circular No. 789 of October 31, 1921, amending said section 8 is revoked and superseded hereby.

Paragraph 6 (c) of the lease form is hereby amended to read as follows:

"Paragraph 6 (c). That on the termination of this lease, pursuant to the last preceding paragraph, the lessor, his agent, licensee, or lessee shall have the exclusive right at the lessor's election to purchase at any time within six months thereafter, at the appraised value, any or all buildings, machinery, tools, or other property placed by the lessee in or on the lands leased

(over)

hereunder, save and except all underground timber and such other supports and structures as are necessary for the protection and preservation of the mine, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, tools, or other property to be purchased as aforesaid shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party hereto and the third to be selected by the two so designated), the valuation so determined by the three or a majority of them to be conclusive and binding upon both parties; that pending such election to purchase within the said period of six months none of the buildings or other property shall be removed from their normal position; that if such valuation be not requested or the lessor shall affirmatively, in writing, elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings, machinery, equipment, tools, and other property within 90 days after being notified in writing by the lessor that the said lessor does not elect to purchase any or all of the buildings, machinery, equipment, tools, or other property and in case of failure, to so remove the said property within 90 days after receipt of such notice, then said buildings, machinery, tools, or other property shall become the property of the United States.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 15, 1922.

E. C. FINNEY,

First Assistant Secretary.

[Reported, 48 L. D. 608]

CIRCULAR No. 818**CITIZENS OF WASHINGTON AND KANE COUNTIES, UTAH,
GRANTED THE RIGHT TO CUT TIMBER IN THE STATE OF ARIZONA FOR CERTAIN PURPOSES**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 28, 1922.

Chiefs of Field Divisions:

On February 27, 1922, there was approved an act of Congress (42 Stat. 398), which provides as follows:

That section 8 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the act of March 3, 1891, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah."

The cutting of timber under the provisions of this act must be done in conformity with the rules and regulations issued March 25, 1913, Circulars Nos. 222 and 223 (42 L. D. 22 and 30).

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved March 28, 1922.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 51 L. D. 311]

CIRCULAR No. 1048**RULES AND REGULATIONS GOVERNING THE FREE USE OF TIMBER
UPON OIL AND GAS PROSPECTING PERMITS AND LEASES BY
PERMITTEES AND LESSEES**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 11, 1926.

*To Oil and Gas Prospecting Permittees and Lessees and Division
Inspectors of the Interior Department:*

In accordance with the authority conferred upon the Secretary of the Interior by section 32 of the act of February 25, 1920 (41 Stat. 437), the following rules and regulations shall govern the free use of timber for fuel in drilling operations by oil and gas permittees and lessees:

1. Any oil and gas prospecting permittee, lessee, or their assignees, desiring timber to be used for fuel in drilling operations on a prospecting permit or lease not within a national forest, shall file appli-

cation therefor, with the division inspector for the division within which the permit or lease is situated, upon a form furnished by him on request.

2. Upon the filing of an application required by the preceding paragraph the division inspector will cause investigation to be made, and permission to cut the timber applied for may be granted by him, *Provided* the timber is not taken from lands occupied by a settler or embraced in an unperfected homestead entry.

3. The applicant shall be notified by registered mail of the decision by the division inspector, in all cases where the permit applied for is not granted and he shall be allowed 30 days from service of notice within which to appeal from such decision to the Commissioner of the General Land Office.

4. Where the land involved in the oil and gas prospecting permit or lease is occupied by a settler or is embraced in an unperfected homestead entry, the applicant must serve notice by registered mail, on the settler, or entryman, showing the amount and kind of timber he has applied for.

(a) Evidence of service of such notice must be furnished the division inspector.

(b) The settler or entryman shall be allowed 30 days from service of notice within which to show cause why the permit should not be granted.

(c) The division inspector will transmit the application to the Commissioner of the General Land Office, together with any protests against the issuance of the permit that may be filed by the settler or entryman, and his report and recommendation as to the issuance of said permit.

(d) Permits in such cases will be issued only where there is an abundance of timber on the land, and the removal thereof; will not materially affect the use of the land by the agricultural claimant.

5. The applicant shall be notified by registered mail of the decision of the Commissioner of the General Land Office, in all cases where the permit applied for is not granted and the settler or homestead entryman shall be notified in a like manner before the issuance of the permit in all cases where protests are filed against the issuance of such permit. An appeal to the Secretary of the Interior from the commissioner's decision may be filed within 30 days from service of notice.

6. No permit will be issued where title to the surface has passed from the United States.

7. A permit granted under these regulations, shall embrace no land not included in the oil and gas prospecting permit or lease, issued or assigned to the applicant.

8. All rights and privileges under a permit issued under these instructions, shall terminate upon the expiration or cancellation of the oil and gas prospecting permit or lease, or upon the discovery of oil in sufficient quantity for use as fuel in drilling operations.

9. Timber cut under a permit issued under these instructions may be used for fuel in drilling operations conducted on the land embraced in the oil and gas prospecting permit or lease, used as a basis for such permit only, and all brush, tops, lops, and other débris made in felling and removing the timber shall be disposed of as best

adapted to the protection of the remaining growth, and in such manner as shall be prescribed by the division inspector and failure on the part of the permittee to comply with this requirement will render him liable for all expenses incurred by the division inspector in putting this regulation into effect.

10. Where permits are secured by fraud or timber is not used in accordance with these rules and regulations, the Government will enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands.

11. The cutting of timber for sale and speculation, or for use by others than the permittee, is strictly prohibited by these rules and regulations.

WILLIAM SPRY, *Commissioner*.

Approved January 11, 1926.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 51 L. D. 574]

CIRCULAR NO. 1093 ³ (SUPERSEDING CIRCULAR NO. 258)

REGULATIONS GOVERNING THE SALE OF DEAD OR DOWN TIMBER
OR TIMBER KILLED OR SERIOUSLY DAMAGED BY FOREST
FIRES

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, September 11, 1926.

Division Inspectors.

SIRS: The act of July 3, 1926 (44 Stat. 890), amended the act of March 4, 1913 (37 Stat. 1015), to read as follows:

That the Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, dead or down timber, or timber which has been seriously or permanently damaged by forest fires, on any lands of the United States, outside the boundaries of national forests, including those embraced in unperfected claims under any of the public land laws, also upon the ceded Indian lands, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That such dead, down, or damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of such timber on any such lands shall be kept in a special fund to await the final determination of the claim.

SEC. 2. That upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented, the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs, or legal representatives, the money received from the sale of such timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled, the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of such timber upon lands embraced in such claim to the general fund in the Treasury derived from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided.

³ Amended by Circular No. 1112, p. 1521.

The American Medical Association is a non-profit corporation organized for the purpose of promoting the interests of the medical profession and the public. It is organized into a national association and a number of local associations. The national association is organized into a number of departments, each of which is responsible for a specific function. The departments are: the Department of Education, the Department of Legislation, the Department of Public Relations, the Department of Research, the Department of Statistics, the Department of Training, and the Department of Welfare. Each department is headed by a department head, who is responsible for the management of the department. The department heads are elected by the members of the association. The members of the association are divided into three classes: the Class of Fellows, the Class of Members, and the Class of Associates. The Class of Fellows is the highest class and is composed of those who have made significant contributions to the medical profession. The Class of Members is composed of those who are active in the medical profession. The Class of Associates is composed of those who are interested in the medical profession but are not active in it. The members of the association are entitled to vote in the election of the department heads and the election of the members of the association. The members of the association are also entitled to receive the Journal of the American Medical Association. The Journal is a monthly publication that contains articles on a wide variety of medical topics. The Journal is one of the most important sources of information for the medical profession. The American Medical Association is a very important organization for the medical profession and the public. It is responsible for promoting the interests of the medical profession and the public. It is also responsible for providing the medical profession with the information it needs to practice medicine. The American Medical Association is a very important organization for the medical profession and the public. It is responsible for promoting the interests of the medical profession and the public. It is also responsible for providing the medical profession with the information it needs to practice medicine.

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APR 10 1922

Circular No. 819.

RELINQUISHMENT OF INCUMBERED LANDS - NOTICE TO MORTGAGEE.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 31, 1922.

Registers and Receivers,
U. S. Land Offices.

Sirs:

Your attention is directed to Rule 98 of Practice (44 L.D., 411),
which provides:

"Transferees and incumbrancers of land, the title to which is claimed, or is in process of acquisition, under any public land law shall, upon filing notice of the transfer or incumbrance in the district land office, become entitled to receive and be given the same notice of any contest or other proceeding thereafter had, affecting such land which is required to be given the original entryman or claimant. Every such notice of a transfer or incumbrance must be forthwith noted upon the records of the district land office and be promptly reported to the General Land Office, where a like notation thereof will be made. Thereafter, such transferee or incumbrancer, as well as the entryman, must be made a party defendant to any proceeding against the entry."

For the purpose of rendering this rule more effective in the protection of existing equities, you will see that in all cases where notice of a mortgage interest in land embraced within a subsisting entry, is filed, as provided in the above Rule of Practice, such mortgagee is given notice of any relinquishment of the entry that may be filed; and you will accept no relinquishment in such case unless the mortgagee joins therein, or is given opportunity to make such showing in the matter as he may desire, and 30 days

-OVER-

from notice of the relinquishment may be allowed the mortgagee in which to express his assent to the relinquishment, or submit such statement or showing as he may desire. If the mortgagee fails to respond to the notice, or objects to the relinquishment of the entry, you will suspend action thereon and report the matter in full to this office, with your recommendation.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 31, 1922,

E. C. PINNEY,

First Assistant Secretary.

Circular No. 821.

MILITARY SERVICE, WAR WITH GERMANY-EFFECT OF COMPENSATION AWARD--
CREDIT FOR PERIOD OF HOSPITALIZATION-ACT OF APRIL 6, 1922 (PUBLIC
NO. 187).

Department of the Interior,
General Land Office,
Washington, D.C., April 29, 1922.

Registers and Receivers,
United States Land Offices.

Sirs:

The act of April 6, 1922 (Public No. 187), provides:

That the provisions of section 2305, Revised Statutes of the United States, as amended by the act of February 25, 1919 (Fortieth Statutes, page 1161), so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, be, and the same are hereby, extended to those regularly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty.

Sec. 2. That the provisions of the act of September 29, 1919 (Forty-first Statutes, page 288), entitled "An Act to authorize absence by homestead settlers and entrymen, and for other purposes," be, and they are hereby, extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty.

Under the provisions of Section 1, a person who served for not less than 90 days in the U. S. Army, Navy or Marine Corps, during the Mexican Border operations or the War with Germany, was honorably discharged, and who subsequently was awarded compensation by the government for wounds received or disabilities incurred in line of duty, in accordance with the Act of October 6, 1917 (40 Stat., 398-405), as amended by the Act of August 9, 1921 (42 Stat., 147-153), is entitled to the same credit for such service in connection with a homestead entry made by him, under section

2305, U. S. Revised Statutes, as amended by the Act of February 25, 1919 (40 Stat., 1161), as though he had actually been discharged from the service by reason of disability incurred in line of duty. In such cases credit is given for the full period of enlistment, subject to the requirement that residence on the homestead for at least one year must be shown, as set forth and explained in Circular No. 302.

Section 2 of the Act extends the benefits of the Act of September 29, 1919 (41 Stat., 288), to those persons who, after discharge from the military or naval service of the United States during the War with Germany, are furnished treatment by the government for wounds received or disability incurred in line of duty under the terms of the Vocational Rehabilitation Act of June 27, 1918 (40 Stat., 617), and its amendments, upon the ground that they come within article 3 of the act of October 6, 1917, supra. Its effect is to grant to settlers, applicants or entrymen under the homestead laws who, after such settlement, application or entry, are given hospital treatment by the government under the conditions just stated, credit for constructive residence during the period of such treatment, subject to the requirement that residence on the homestead for at least one year must be shown.

The administration of this provision of the Act will be governed by the regulations under the Act of September 29, 1919, which will be found on page 7 of said Circular No. 302.

Very respectfully,

WILLIAM SPRY,

Approved: April 29, 1922.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

CIRCULAR NO. 822.

INSTRUCTIONS UNDER HOUSE JOINT RESOLUTION 30, APPROVED JANUARY 21, 1922, PUBLIC RESOLUTION NO. 36, AMENDING JOINT RESOLUTION OF FEBRUARY 14, 1920 (41 STAT., 434), GIVING TO DISCHARGED SOLDIERS, SAILORS, AND MARINES A PREFERRED RIGHT OF HOMESTEAD OR DESERT LAND ENTRY.

CIRCULARS 678 AND 803 SUPERSEDED.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 1, 1922.

Registers and receivers, United States land offices.

SIRS: House Joint Resolution No. 30, approved January 21, 1922, Public Resolution No. 36, amended joint resolution of February 14, 1920 (41 Stat. 434), to read as follows:

That hereafter, for the period of ten years following the passage of this Act, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than ninety days before the general opening of such lands to disposal in which officers, soldiers, sailors or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That the rights and benefits conferred by this Act shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act, shall have refused to render such service or to wear the uniform of such service of the United States. * * *

DURATION OF WAR.

SEC. 1. The war began April 6, 1917, and for the purposes of House Joint Resolution No. 30 (Public Resolution No. 36), terminated with the adoption of Public Resolution No. 64 (41 Stat. 1359), approved March 3, 1921.

EFFECT OF AMENDMENT ON ORDERS OF RESTORATION PRIOR TO JANUARY 21, 1922.

SEC. 2. Lands that had become subject to general disposition prior to January 21, 1922, will not be affected by the amendment, but where lands have been restored heretofore and the period of 63 days' preference right provided by Circular 678 (47 L. D. 346), had not expired January 21, the preference right for the officers, soldiers, sailors, and marines will be held to extend for the period of 91 days from the beginning of the period.

DURATION OF PREFERENCE-RIGHT PERIOD.

SEC. 3. Public or Indian lands opened to entry or restored from withdrawals or reservations after February 14, 1920, and prior to February 15, 1930, are subject to the provisions of the public resolution. The time provided therein for filing homestead and desert land applications by those entitled to exercise the privileges conferred thereby will begin and terminate as provided hereinafter,

unless otherwise directed in the order opening or restoring the lands. Where such period begins prior to February 15, 1930, it will continue for the time prescribed, even though such period extends after February 15, 1930.

PERSONS ENTITLED TO THE BENEFITS OF THE PUBLIC RESOLUTION.

SEC. 4. (a) The words "officers, soldiers, sailors, and marines," as employed in the public resolution, are generic terms and embrace privates, seamen, sailors, nurses, and all other persons, male or female, who by enlistment or otherwise were regularly enrolled in the Army, Navy, or Marine Corps of the United States during the war with Germany, and who could not voluntarily terminate such service, but does not include civilian employees nor officers, nurses, or members of other organizations not so enrolled in the Army or Navy. Persons entitled to the foregoing privileges will be referred to hereinafter generally as soldiers.

(b) A person now in the active service of the United States Army, Navy, or Marine Corps is not entitled to the privileges of the public resolution unless he can show an honorable discharge or separation from a previous service in the Army, Navy, or Marine Corps subsequent to April 6, 1917, and prior to March 3, 1921. Whenever such person can show an honorable discharge or separation from such service he may avail himself of the benefits of the public resolution. Persons who were honorably discharged or separated from service in the United States Army, Navy, or Marine Corps after April 6, 1917, and prior to March 3, 1921, and who by reenlistment or otherwise are now engaged in such service, may exercise the privileges conferred by the public resolution, but must, if they make entry, comply in all particulars with the applicable law and regulations.

(c) An alien soldier who served in the United States Army, Navy, or Marine Corps, during the war with Germany, and was honorably discharged, is given the status of a declarant by the act of May 9, 1918 (40 Stat. 542), and if otherwise qualified, may exercise the privileges conferred by the public resolution, and may make an original homestead entry or desert-land declaration, but must, before proving his title under either act, complete his citizenship.

(d) A minor soldier, if otherwise within the provisions of the public resolution, may, under the act approved August 31, 1918 (40 Stat. 955), make either a homestead or desert-land entry, and during his minority, or until he reaches the age of 21 years, may verify his homestead or desert-land application before any officer, at any place, authorized to administer oaths under the laws of the State within which the land applied for is situated. Among officers so recognized may be mentioned notaries public, and clerks of courts of record in this country, and consular and diplomatic officers in foreign countries. In connection, however, with public land entries made by minor soldiers, attention is directed to the restrictive provisions attaching to such entries by public resolution approved September 13, 1918 (40 Stat. 960), and departmental instructions thereunder of October 9, 1918, circular 622 (46 L. D. 451).

QUALIFICATION OF SOLDIERS.

SEC. 5. The public resolution provides that the privileges thereunder may be exercised only by those qualified to make a homestead entry or desert-land declaration. A soldier who at date of applica-

tion is the owner of more than 160 acres of land in any State or Territory of the United States can not make an original homestead entry. The ownership of land is no bar to making a desert-land declaration, but the soldier at the time of filing such declaration must be a resident of the State in which the land is situated. If the soldier at the time his application is filed is not the owner of more than 160 acres of land in any State or Territory, has not made homestead entry or desert-land declaration, nor taken by assignment a desert-land entry, nor acquired agricultural lands from the Government, he may make either an original homestead entry or desert-land declaration, or both, within the limitations fixed by law, if the land applied for is subject to the entry sought. If he has made a homestead or desert-land entry, or has acquired from the Government title to agricultural lands, he should, before filing his application, consult Suggestions to Homesteaders, Circular No. 541, and Statutes and Regulations Governing Entries Under the Desert-Land Laws, Circular No. 474, both of which may be obtained by request from the Commissioner of the General Land Office.

SHOWING REQUIRED TO ENTITLE THE SOLDIER TO THE PREFERENCE PROVIDED.

SEC. 6. The soldier must show his qualifications to make the entry sought, and in addition thereto, either as a part of his application or by an accompanying statement sworn to before an officer qualified to verify homestead or desert-land applications, that he served in the United States Army, Navy, or Marine Corps on or after April 6, 1917, and prior to March 3, 1921; the approximate period of such service; the unit or units in which such service was performed; that he was honorably separated or discharged from such service or placed in the Regular Army or Navy Reserve, and the date thereof, and that he did not refuse to perform such service or wear the uniform thereof. He should attach to his application a copy of his honorable discharge or separation, or the order placing him in the Regular Army or Navy Reserve, as the case may be, certified as correct by an officer having and using a seal, but he will not be required to file the original order of discharge or transfer. If he has lost his discharge, or is otherwise unable to secure a copy thereof, he must in a verified statement explain fully why such copy was not furnished. A minor soldier must show, in addition to the above, that he was under 21 years of age at the date of the execution of his application.

SOLDIER'S DECLARATORY STATEMENT NOT EFFECTIVE—ENTRY MUST BE MADE.

SEC. 7. Rights extended by the public resolution can not be supported by soldier's declaratory statement under the homestead law, but must be exercised through an application to make homestead entry.

EXECUTION AND PRESENTATION OF APPLICATIONS.

SEC. 8. To avail himself of the privileges conferred by the public resolution, the soldier, unless he be a minor, must, if not within, go to the land district in which the land is situated, and he should personally examine the land applied for. He must execute his appli-

cation, whether it be under the homestead or desert-land laws, before either the register or receiver of the local land office, or before a United States commissioner, or a judge or clerk of a court of record in the county in which the land is located, or before one of such officers in the land district and nearest or most accessible to the land. When so executed, the application may be presented to the land office in person, by mail, or otherwise. A minor soldier may execute his application in the manner provided in paragraph (d), section 4, hereof.

SOLDIER MUST MAKE ENTRY UNDER THE LAW APPLICABLE.

SEC. 9. Where under the law or order of restoration issued pursuant to the provisions of the act of September 30, 1913 (38 Stat. 113), the lands are restored to entry only under the provisions of either the homestead law or the desert-land law, applications by soldiers must be restricted to the applicable law, but where under the law or order of restoration entries may be made under either or both of such laws for lands properly subject thereto, a soldier may file an application under the homestead law and one under the desert-land law, if he does not by such application include more land than he may lawfully acquire under the agricultural laws, provided he is qualified to make the entry sought, and the lands embraced in such applications are lawfully subject thereto, but he will not be permitted to file under both acts for the same tract.

PAYMENTS.

SEC. 10. The soldier must make the payments required of other persons under the law, pursuant to which his application is filed or entry is made.

COMPLIANCE WITH LAW AFTER ENTRY.

SEC. 11. The soldier must comply with the provisions of the desert-land law in the same manner and make the expenditures on the land and the payments required of other entrymen under that law. Where entry is made under the homestead law, the soldier may, under the provisions of the act approved February 25, 1919 (40 Stat. 1161), extending the provisions of section 2305, Revised Statutes, to service in the United States Army, Navy, or Marine Corps, in connection with the operations on the Mexican border, or in the war with Germany, receive credit for such service, not exceeding two years, in proving his claim. He must establish residence within the time and during at least the first year of his entry reside on the land and otherwise comply with the law in the manner required of other persons. He may at any time after the first year of his entry submit his proof, when he can show that the period of his compliance with the law after establishing residence and his military service equal 36 months. In applying credit for military service under the general or enlarged provisions of the homestead law, the following rule will be observed:

A soldier with 19 months or more military service will be required to reside on the land at least 7 months during the first entry year; with more than 12 and less than 19 months, he must reside on the land 7 months during the first year and such part of the second year as, added to his excess over 12 months' service, will equal 7 months,

and must cultivate one-sixteenth of the area the second year; with 7 and not more than 12 months, he must reside upon the land 7 months during each of the first and second years, and cultivate one-sixteenth of the area the second year; with 90 days and less than 7 months, he must reside upon the land 7 months during each year for the first and second years, and such part of the third year as, added to his service, will equal 7 months, and cultivate one-sixteenth of the area the second year and one-eighth the third year; and with less than 90 days' service, will receive no credit therefor in lieu of residence and cultivation. If he delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown. He may apply for and receive a reduction in the area to be cultivated, in the same manner and under the conditions required of other applicants. Where the entry is made under the stock-raising provisions of the homestead law, the above rule with respect to residence will be applicable, but the soldier must make the improvements on the land required of other persons under that law, and show that he actually used the land for raising stock and forage crops during the period that he was required to reside on the land. He must show, in any entry under the homestead laws, that he had a habitable house on the land at the date of submitting proof.

LANDS AFFECTED BY THE PUBLIC RESOLUTION.

SEC. 12. The public resolution affects only lands that may be entered under the homestead or desert land acts, and does not extend the provisions of either of said laws to areas not otherwise subject thereto. It applies in all cases where such lands become subject to entry, (a) by the filing of township plats of survey or resurvey, or (b) where Indian lands are opened to entry, or (c) where public lands are restored from withdrawals or reservation, or (d) where lands are embraced in relinquishments which do not become effective upon being filed in the proper local land office, but upon which action by the commissioner or Secretary is necessary before the lands affected are restored to disposition, or (e) where titles are recovered through actions in the courts. It does not apply to lands that were open to entry on the date of its approval, nor to lands embraced in entries canceled by contests, or by reason of expiration of the statutory period, nor to lands embraced in entries or selections where under the law such lands become subject to entry upon the filing of proper relinquishments thereof in the local land office. Where, however, entries made under the provisions of the public resolution are relinquished before the expiration of the preference-right period accorded to soldiers, the lands affected thereby may be entered only by soldiers during such preference-right period.

CLASSES OF HOMESTEAD AND DESERT-LAND ENTRIES ALLOWABLE.

SEC. 13. The public resolution applies to all classes of homestead entries, whether under the 160, 320, or 640 acre provisions, and homestead and desert-land entries whether the entire estate is sought or whether the minerals are reserved to the United States. A soldier's homestead application under the enlarged, the stock raising, or other special provisions of the law, will be governed by the regulations applicable thereto, and if by drawing, in case of simul-

taneous applications, or by time of filing such application is accorded priority, it will be disposed of accordingly.

UNSURVEYED LANDS.

SEC. 14. The public resolution will not prevent settlement on unsurveyed lands otherwise subject thereto prior to the filing of the township plat of survey, and where settlements are so made by qualified persons and maintained in the manner required by law, the rights secured thereby will not be subordinated, upon the restoration of the lands, to preferences asserted under the public resolution, but, from the date of the filing of the township plat of survey and until the preference period provided for soldiers has expired, settlements on the lands affected will confer no rights whatsoever.

RIGHTS THAT MAY DEFEAT THE SOLDIER'S APPLICATION.

SEC. 15. The rights conferred by the public resolution are subject to existing valid settlement rights and preference rights under existing laws, or equitable claims that are subject to allowance and confirmation. Without attempting to enumerate all the valid claims and existing preference rights that might defeat a soldier's application, the following may be mentioned:

(a) Settlement made by a qualified person at a time when the land was lawfully subject thereto, and maintained in the manner required by law to date of such application. The soldier may avoid conflict with such settlers' claims by carefully examining the land before filing his application.

(b) The preference rights granted under the provisions of the act of August 18, 1894 (28 Stat. 394), to the States of Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, and to Utah upon its admission into the Union, and subsequently extended to the States of New Mexico and Arizona by sections 11 and 29 of the enabling act of June 20, 1910 (36 Stat. 565, 575). Where the States mentioned applied for the survey of public lands within their respective limits, and complied with the requirements of said act, the preference rights accorded by said act, if exercised within the 60 days provided, will defeat a soldier's application. The period within which the State must apply in order to protect its preference will begin with the date of the order of restoration of lands withdrawn or in reservation, and surveyed during the time of withdrawal or reservation, and from the date of the filing of the township plat of survey, where the lands were not so withdrawn or reserved.

(c) The preference right granted the States of North Dakota, South Dakota, Montana, Idaho, and Washington, by the act of March 3, 1893 (27 Stat. 592), will not defeat soldiers' applications during the preference right period extended by the public resolution. Under the act of March 3, 1893, the rights therein granted attach only when the lands shall have become subject to appropriation under all of the applicable public-land laws, while the preferences granted soldiers by the public resolution are effective for a period of at least 90 days *before* such lands shall become subject to appropriation by others. Therefore, the provisions of the aforesaid act of March 3, 1893, will not prevent the allowance of applications by soldiers during the period hereinafter fixed for filing such preference right applications, but upon the restoration of the land to entry generally, the rights of the several States to lands not then appro-

priated will attach, and for the period of 60 days thereafter will be superior to the claims of all other applicants, including soldiers.

(d) The act of June 11, 1906 (34 Stat. 233). Lands restored under the provisions of the said act of June 11, 1906, are, under the terms of such act, subject to preference rights as follows:

(1) For a period of 60 days by settlers prior to January 1, 1906, who shall not have abandoned such settlement prior to application;

(2) For a like period by persons, if qualified to make homestead entry, upon whose applications the lands were examined and listed.

The foregoing preferences are granted in the order named, and the 60-day period begins on the date the list and order of restoration reach the local land office.

(e) Preference rights extended certain Carey Act entrymen under the act approved February 14, 1920 (41 Stat. 407). The rights granted settlers under the provisions of the act of February 14, 1920 (41 Stat. 407), are not absolute, but are conditioned upon the recognition of such rights by the Secretary of the Interior in the order restoring such lands to the public domain. Where the order restoring Carey Act lands does not recognize the preference rights of settlers, nor provide for the exercise thereof, soldiers' applications will be governed by paragraph (a), section 16 hereof.

ORDER APPLICABLE TO LANDS OPENED OR RESTORED SUBJECT TO THE PROVISIONS OF THE PUBLIC RESOLUTION.

SEC. 16. It is ordered and directed that hereafter, and until February 15, 1930, when any surveyed lands within the provisions of the public resolution are opened or restored to disposition under the authority of the department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

(a) Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat. 394), or June 11, 1906 (34 Stat. 233), or February 14, 1920 (41 Stat. 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat, in case of survey or resurvey, and with the sixty-third day from and after the order of restoration, in all other cases, and thereafter to disposition under all of the public land laws applicable thereto. For the period of 20 days prior to the restoration or opening of such lands to soldiers' entry, and for a like period prior to the date such lands become subject to entry generally, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications shall be treated as filed simultaneously.

(b) Where the lands are subject to the preference rights conferred by the acts of August 18, 1894 (28 Stat. 394), or June 11, 1906 (34 Stat. 233), and where in the order restoring Carey Act lands preference rights of settlers are recognized under the provisions of the act approved February 14, 1920 (41 Stat. 407), the lands not appropriated under such dominant preference rights will become subject

to entry by soldiers under the provisions of both the homestead and desert-land laws, or the homestead laws only, at 9 o'clock a. m., standard time, on the first office day after the termination of such preference-right periods, and to entry under all the applicable public-land laws at 9 o'clock a. m., standard time, on the ninety-first day from and after such first office day. Soldiers' applications may be filed at any time during such preference-right periods, and will be held subject to such superior preference rights. If the controlling preference right be exercised within the time prescribed, applications of soldiers in conflict therewith will be rejected. If such preference rights be not so exercised, the applications by soldiers filed during such preference-right periods, together with those filed at 9 o'clock a. m., standard time, on the first office day following the termination of such periods, will be treated as filed simultaneously.

DISPOSITION OF APPLICATIONS.

SEC. 17. (a) Applications treated as filed simultaneously will be rejected where they conflict with superior claims; otherwise they will be disposed of in the manner required by circular 324, approved May 22, 1914 (43 L. D. 254).

(b) Soldiers' applications and those of other qualified persons filed after 9 o'clock a. m., standard time, on the dates the lands become subject to such applications, will be disposed of in the order filed.

RESTORATION OF LANDS TO GENERAL DISPOSITION.

SEC. 18. (a) While the special privileges extended by the public resolution may be exercised by soldiers of the war with Germany only, when the lands shall have been restored to disposition generally, under the applicable public land laws, soldiers of any war may proceed on terms of equality with other qualified persons. Those who served for 90 days or more in the United States Army, Navy, or Marine Corps during the Civil War, Spanish-American War, or Philippine Insurrection, and were honorably discharged, may initiate claims under the homestead law by filing declaratory statements, either in person or by agent. Those who served in the United States Army, Navy, or Marine Corps for 90 days or more in connection with the operations on the Mexican border or during the war with Germany, and were honorably discharged, may file declaratory statements in person, but *not* by agent. The soldiers who make entry after restoration of the land to general disposition may apply such military service in lieu of residence in proving claims under the homestead laws, to the extent indicated in section 11 hereof.

(b) Where the lands are affected by the provisions of the act of March 3, 1893 (27 Stat. 592), the applications of soldiers and other persons will be held subject to the rights of the State for a period of 60 days from and including the date of such general restoration.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved May 1, 1922.

E. C. FINNEY,
First Assistant Secretary.

Circular No. 823

(of May 5, 1922, reissued with amendments.)

INSTRUCTIONS RELATIVE TO APPLICATIONS FOR LEASES BY PERMITTEES
UNDER SECTION 14 OF THE ACT OF FEBRUARY 25, 1920

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 1, 1926.

Registers,

United States Land Offices.

Sirs:

In order to expedite and coordinate the work of the General Land Office and of the Geological Survey in acting upon applications for leases filed under section 14 of the act of February 25, 1920 (41 Stat., 437), by the holders of oil and gas prospecting permits, you are instructed as follows:

Leases Following Permits.

An application for lease as a reward for discovery by permittees shall be filed in duplicate in the United States Land Office of the district in which the land is situated. The Register will immediately transmit the original to the Commissioner of the General Land Office, by special letter, and the duplicate to the Supervisor of the Geological Survey having jurisdiction in the district.

Such applications should set out the following items:

1. Serial number of permit.
2. Name and address of permittee.
3. Name and address of operator.
4. Subdivision on which discoveries have been made. Character of discoveries. Exact date of discovery.
5. Number and definite location of each well brought in.
6. Complete itemized production statement by calendar months from first discovery to date of application.
7. The applicant must give description of the land for which he desires a lease at the minimum royalty accorded discoverers under permits. He must also at the same time apply for lease of the remaining lands covered by the permit, or waive claim to his preference right to lease

same or such part thereof as he does not desire to lease. A permittee under section 13, and a permittee under section 19 of the act (for lands not within the known geologic structure of a producing oil and gas field at the date the permit application was filed) is entitled to lease one-fourth of the land in the permit, or at least 160 acres, if the permit includes that area, at a flat royalty of 5 per cent. If a permit under section 19 includes areas which were at the date the permit application was filed partly inside and partly outside the known geologic structure of a producing oil and gas field, the permittee is entitled to select one-fourth of the area for lease wholly outside, or wholly inside, or partly inside and partly outside the known structure, provided, however, that the royalty on lands within the known structure shall in no event be less than $12\frac{1}{2}$ per cent, and provided, further, that the permittee is entitled to a lease at 5 per cent flat royalty upon so much of the outside area as does not exceed one-fourth of the total area covered by the permit.

8. A statement of what interests are to be held under the lease, together with (a) the necessary contracts, assignments, etc., for the approval of the Secretary of the Interior; (b) proof of citizenship of any assignee or interested party by affidavit of such fact if native born, or if naturalized, by certified copy of the certificate of naturalization on the form provided for use in public land matters unless such copy is already on file, or, if a corporation, by certified copy of the articles of incorporation, and a showing as to the residence and citizenship of its stockholders; (c) a statement as to interests held by the assignee or interested party in leases and permits in the geologic structure of the same producing oil or gas field. If the showings required under (a) and (b) have already been made, a reference thereto may be made giving the land office district and serial number of the case in which the showings were made.

9. A certificate to be furnished by the Supervisor in charge of operations to the effect that the permittee has conducted his prospecting operations in accordance with approved methods and practice, and has made satisfactory compliance with the operating regulations, that each and every well operated on the permit area is in a satisfactory condition, and that the well or wells relied upon for discovery have been put in condition for operation and thereafter tested adequately for productive capacity.

Should such a certificate be lacking when an application is filed in your office, you will reject the application and advise the applicant that upon obtaining the certificate a new application for lease may be presented, which application will be given the current date of filing, the purpose of this being to avoid the establishment of a date of application for lease prior to bona fide compliance with the terms and conditions of the permit.

For address list of supervisors of oil and gas operations, see last page of this circular. Applications for certificates may be filed with the supervisor or his local representative.

Relinquishments.

Relinquishments of permits must be accompanied by an affidavit of the permittee giving the facts as to operations under the permit. If no drilling was done, it should be so stated. If drilling has been done, the number of wells drilled, their location and depth, the depth and thickness of oil, gas and water sands, and detailed method of plugging the wells for abandoning them must be stated.

Abandonment of Wells.

Upon plugging or abandoning a well drilled under a permit or lease, the casing shall not be drawn from the well until authority has been obtained in writing from the supervisor of the Geological Survey or other authorized agent of the Department of the Interior.

Sales Contracts.

Triplicate signed copies of sales contracts submitted for the approval of the Secretary of the Interior under paragraph 2 (d) of the lease must be filed with the supervisor of the Geological Survey having jurisdiction of the district in which the leased land is situated. The supervisor will retain one copy for his files and forward the other copies with his report to the Director of the Geological Survey. One copy will then be transmitted for appropriate action to the Commissioner of the General Land Office with recommendation of the Director of the Geological Survey.

If a sales contract is submitted to any official of the Interior Department other than the supervisor without its having been approved by him or other authorized official, the contract should be returned to the person submitting it with instructions to file triplicate signed copies at the office of the local supervisor, who will handle it in the regular manner.

Address list of supervisors of oil and gas operations.

Pacific District (Arizona, except Indian reservations in northeastern portion; California, Nevada, Oregon, and Washington):

Supervisor, oil and gas operations, U. S. Geological Survey,
Taft, California.

Mid-Continent District (Arkansas, Kansas, Louisiana, and Oklahoma):

Supervisor, oil and gas operations, U. S. Geological Survey,
Muskogee, Oklahoma.

Rocky Mountain District (Arizona, including only Indian reservations in northeastern portion; Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming):

Supervisor, oil and gas operations, U. S. Geological Survey,
508 Consolidated Royalty Building, Casper, Wyoming.

Note.--In the Rocky Mountain District, the Engineer in Charge, Oil and Gas Operations, U. S. Geological Survey, at each of the addresses listed below, is a local representative of the supervisor:

312 Electric Building, Billings, Montana.
Shelby, Montana.
Cat Creek, Montana.
Midwest, Wyoming.
Fort Washakie, Wyoming.
212 Custom House, Denver, Colorado.
Shiprock, New Mexico.
Federal Building, Roswell, New Mexico.

You will give the widest publicity to the foregoing that may be possible without expense to the United States.

Very respectfully,

THOS. C. HAVELL,

Acting Commissioner.

Approved: October 1, 1926.

E. C. FINNEY,

First Assistant Secretary.

8. *Reward for discovery.*—Upon establishing to the satisfaction of the Secretary of the Interior that compliance has been made with the terms and conditions of the permit and the operating regulations applicable thereto and that valuable deposits of oil or gas have been discovered within the limits of the land embraced in the permit, within the period of the permit or extension thereof, the permittee is entitled (a) to a lease of one-fourth of the land included in the permit, on a royalty of 5 per cent, or for at least 160 acres if there be that area in the permit; (b) to a preference right to a lease for the remainder of the land covered by his permit at such royalty as may be fixed by the Secretary of the Interior, not less than 12½ per cent in amount or value of the production, nor more than the royalties fixed for leases under section 18 of the act, (sec. 19, par. c, of these regulations), except that on that portion of the average production exceeding 200 barrels per day per well for the calendar month, the royalties shall be 33⅓ per cent for oil of 30° B. or over and 25 per cent for oil of less than 30° B. Application for lease based on a claim of discovery of oil or gas within the limits of land embraced in a permit should set forth in detail the operations that have been conducted and the amount and value of the discovery claimed to have been made; and must include a certificate by the officer of the department empowered to supervise operations under the permit to the effect that the permittee has conducted his prospecting operations in accordance with approved methods and practice and has made satisfactory compliance with the operating regulations; that each and every well drilled on the permit area is in a satisfactory condition, and that the well or wells relied upon for evidence of discovery have been put in condition for operation and thereafter tested adequately for productive capacity.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

[Reported, 51 L. D. 600]

CIRCULAR No. 823

(Dated May 5, 1922, reissued with amendments)

**INSTRUCTIONS RELATIVE TO APPLICATIONS FOR LEASES BY
PERMITTEES UNDER SECTION 14 OF THE ACT OF FEBRUARY
25, 1920**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 1, 1926.

Registers, United States Land Offices.

SIRS: In order to expedite and coordinate the work of the General Land Office and of the Geological Survey in acting upon applications for leases filed under section 14 of the act of February 25, 1920 (41 Stat. 437), by the holders of oil and gas prospecting permits, you are instructed as follows:

Leases following permits.—An application for lease as a reward for discovery by permittees shall be filed in duplicate in the United States Land Office of the district in which the land is situated. The register will immediately transmit the original to the Commissioner of the General Land Office, by special letter, and the duplicate to the supervisor of the Geological Survey having jurisdiction in the district.

Such applications should set out the following items:

1. Serial number of permit.
2. Name and address of permittee.
3. Name and address of operator.

4. Subdivision on which discoveries have been made. Character of discoveries. Exact date of discovery.

5. Number and definite location of each well brought in.

6. Complete itemized production statement by calendar months from first discovery to date of application.

7. The applicant must give description of the land for which he desires a lease at the minimum royalty accorded discoverers under permits. He must also at the same time apply for lease of the remaining lands covered by the permit, or waive claim to his preference right to lease same or such part thereof as he does not desire to lease. A permittee under section 13, and a permittee under section 19 of the act (for lands not within the known geologic structure of a producing oil and gas field at the date the permit application was filed), is entitled to lease one-fourth of the land in the permit, or at least 160 acres, if the permit includes that area, at a flat royalty of 5 per cent. If a permit under section 19 includes areas which were at the date the permit application was filed partly inside and partly outside the known geologic structure of a producing oil and gas field, the permittee is entitled to select one-fourth of the area for lease wholly outside, or wholly inside, or partly inside and partly outside the known structure, provided, however, that the royalty on lands within the known structure shall in no event be less than $12\frac{1}{2}$ per cent, and provided, further, that the permittee is entitled to a lease at 5 per cent flat royalty upon so much of the outside area as does not exceed one-fourth of the total area covered by the permit.

8. A statement of what interests are to be held under the lease, together with (a) the necessary contracts, assignments, etc., for the approval of the Secretary of the Interior; (b) proof of citizenship of any assignee or interested party by affidavit of such fact if native born, or if naturalized, by certified copy of the certificate of naturalization on the form provided for use in public-land matters unless such copy is already on file, or, if a corporation, by certified copy of the articles of incorporation, and a showing as to the residence and citizenship of its stockholders; (c) a statement as to interests held by the assignee or interested party in leases and permits in the geologic structure of the same producing oil or gas field. If the showings required under (a) and (b) have already been made, a reference thereto may be made giving the land office district and serial number of the case in which the showings were made.

9. A certificate to be furnished by the supervisor in charge of operations to the effect that the permittee has conducted his prospecting operations in accordance with approved methods and practice, and has made satisfactory compliance with the operating regulations, that each and every well operated on the permit area is in a satisfactory condition, and that the well or wells relied upon for discovery have been put in condition for operation and thereafter tested adequately for productive capacity.

Should such a certificate be lacking when an application is filed in your office, you will reject the application and advise the applicant that upon obtaining the certificate a new application for lease may be presented, which application will be given the current date of filing, the purpose of this being to avoid the establishment of a date of application for lease prior to bona fide compliance with the terms and conditions of the permit.

For address list of supervisors of oil and gas operations, see last page of this circular. Applications for certificates may be filed with the supervisor or his local representative.

Relinquishments.—Relinquishments of permits must be accompanied by an affidavit of the permittee giving the facts as to operations under the permit. If no drilling was done, it should be so stated. If drilling has been done, the number of wells drilled, their location and depth, the depth and thickness of oil, gas and water sands, and detailed method of plugging the wells for abandoning them must be stated.

Abandonment of wells.—Upon plugging or abandoning a well drilled under a permit or lease, the casing shall not be drawn from the well until authority has been obtained in writing from the supervisor of the Geological Survey or other authorized agent of the Department of the Interior.

Sales contracts.—Triplicate signed copies of sales contracts submitted for the approval of the Secretary of the Interior under paragraph 2 (*d*) of the lease must be filed with the supervisor of the Geological Survey having jurisdiction of the district in which the leased land is situated. The supervisor will retain one copy for his files and forward the other copies with his report to the Director of the Geological Survey. One copy will then be transmitted for appropriate action to the Commissioner of the General Land Office with recommendation of the Director of the Geological Survey.

If a sales contract is submitted to any official of the Interior Department other than the supervisor without its having been approved by him or other authorized official, the contract should be returned to the person submitting it with instructions to file triplicate signed copies at the office of the local supervisor, who will handle it in the regular manner.

ADDRESS LIST OF SUPERVISORS OF OIL AND GAS OPERATIONS

Pacific district (Arizona, except Indian reservations in northeastern portion, California, Nevada, Oregon, and Washington): Supervisor, oil and gas operations, United States Geological Survey, Taft, Calif.

Mid-continent district (Arkansas, Kansas, Louisiana, and Oklahoma): Supervisor, oil and gas operations, United States Geological Survey, Muskogee, Okla.

Rocky Mountain district (Arizona, including only Indian reservations in northeastern portion, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming): Supervisor, oil and gas operations, United States Geological Survey, 508 Consolidated Royalty Building, Casper, Wyo.

In the Rocky Mountain district the engineer in charge, oil and gas operations, United States Geological Survey, at each of the following addresses, is a local representative of the supervisor: 312 Electric Building, Billings, Mont.; Shelby, Mont.; Cat Creek, Mont.; Midwest Wyo.; Fort Washakie, Wyo; 212 Custom house, Denver, Colo.; Shiprock, N. Mex.; Federal Building, Roswell, N. Mex.

You will give the widest publicity to the foregoing that may be possible without expense to the United States.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved October 1, 1926.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 51 L. D. 602]

CIRCULAR No. 1099

OIL AND GAS PERMIT APPLICATIONS MADE BY ATTORNEYS IN
FACT

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 19, 1926.

Registers, United States Land Offices.

SIRS: Under date of September 21, 1926, the Department directed, in connection with applications for oil and gas prospecting permits filed under the act of February 25, 1920 (41 Stat. 437), that—

From and after November 1, 1926, prospecting permit applications signed by attorneys in fact must be accompanied by powers of attorney and affidavits by the applicants as to their qualifications. Such applications not accompanied by proof of authority and qualifications will be received and rejected, subject to the right to complete or to appeal, but will not be noted on the tract books or plats prior to the filing of powers of attorney and affidavits by the applicants as to their qualifications.

You will, in acting on cases coming under these instructions, allow 15 days in which to cure the defects or to appeal, and in default, transmit the papers to this office as a closed case. If the power of attorney is filed and the land has not in the meantime been appropriated under a proper oil and gas application, you will note the hour and date the application is so completed and hold same suspended for 30 days after completion, at which time you will take action as prescribed in section 4, Circular No. 672 (47 L. D. 437).

Any application presented by agent or attorney in fact which appears to have been executed by the applicant in blank and the land description later filled in by the agent or attorney, should be received and noted filed, and promptly transmitted here for instructions, accompanied by your report of all the facts and circumstances known.

You will give the widest publicity possible for these regulations without expense to the Government.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved October 19, 1926.

E. C. FINNEY,
First Assistant Secretary

Circular No. 826.
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

HOMESTEAD EXEMPTION -- SEC. 2296, R. S., MADE APPLICABLE TO ALL HOMESTEAD ENTRIES.

Registers and Receivers,

United States Land Offices.

Sirs:

Attention is directed to Public Resolution No. 53, approved April 28, 1922, which provides as follows:

That the provisions of section 2296 of the United States Revised Statutes have been and are applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

Section 2296, Revised Statutes, provides:

No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Very respectfully,

WILLIAM SPRY,

Commissioner.

APPROVED: May 19, 1922.

E. C. FINNEY,

First Assistant Secretary.

(4467)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

REPORT OF THE SURVEY OF THE LANDS OF THE UNITED STATES

THE SURVEY OF THE LANDS OF THE UNITED STATES
IS A WORK OF THE BUREAU OF LAND MANAGEMENT

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UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASHINGTON

1911

REPORT OF THE SURVEY OF THE LANDS OF THE UNITED STATES

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 20, 1922.

Registers and Receivers,

U. S. Land Offices.

Sirs:

Appended hereto is a list of the most common errors made by persons preparing entry papers, and which escape notice in the local offices. The elimination of these easily detected errors will of necessity eliminate all correspondence relative thereto, and unnecessary annoyance to entrymen, and result in corresponding efficiency of our bureau.

Sex not shown.

Description ambiguous.

Description illegible.

Description does not conform to survey.

Entry not contiguous.

Entry not compact.

Files on land incontiguous to original without showing reason for failure to file on vacant land contiguous to original.

Land in entry not designated.

Conflicts.

Surrounds and isolates legal subdivision.

Desert entrywoman-fails to show citizenship of husband. Also true in homestead cases.

Former entry not designated.

Mineral land-no waiver filed.

Fails to comply with circular 703. (Reclamation 712)

Non-mineral land-unnecessary waiver filed.

Joint entry-land in both district embraced in same application.

Land not subject to entry-withdrawn, reclamation project, etc.

Second entry improperly allowed.

Fails to file proper second homestead affidavit.

Area too great-rule of approximation not applied.

Excess purchase money not paid.

Citizenship-shows only "citizen" fails to show native born. ✓

Fails to file evidence of naturalization or declaration.

Evidence of citizenship on improper form.

Claims citizenship by reason of father's naturalization but fails to show he was (a minor residing in United States at date of father's naturalization and to furnish evidence of his father's naturalization.)

Age not shown.)

(OVER)

Head of family-fails to state facts.
Entry by female-fails to show marital status.
Deserted wife-facts not shown.
Widow-fails to show age or qualifications.
Married woman-facts which constitute her head of family not shown.
Fails to comply with Circular No. 738. *(re - non-mining use land)*
Fails to show under which section of stock-raising homestead act application is filed, and *(when under Sec. 5)* to show ownership of and residence on original homestead.
Former entry not identified.
Fails to sign application.
Officer not qualified.
Jurats not signed by officer.
Corroborating affidavits not signed.
Register's certificate of allowance not dated.
Register's certificate of allowance not signed.
Several supplemental applications filed. Register signs them all, or fails to sign proper one.

It will be noticed in all the papers provided for use that under blank line full instructions are given, in small type, for the proper filling of such blank spaces, which, if followed, will eliminate nearly all errors in filling such spaces, since failure to heed them is responsible for most of the errors. If you will call the attention of those preparing entry papers in your district to these common errors and the simple means of avoiding them there is little doubt that they will be willing to co-operate for the good of the service.

Very respectfully,

WILLIAM SPRY,

Commissioner.

all that part of Missouri Territory within the county of Arkansas as established by the legislature.

By act of March 6, 1820 (3 Stat., 545), Congress authorized the people of the Missouri Territory to form a constitution and State government and defined the boundaries of the territory to be included therein.

By act of June 7, 1836 (5 Stat., 34), the western boundary of the State, north of the mouth of the Kansas River, was extended to the Missouri River, when the Indian title should be extinguished.

Considering the foregoing in the light of all the surrounding circumstances, the Department is convinced that the question presented was correctly decided by the Commissioner of the General Land Office in his decision herein of November 23, 1921, holding in effect that for legislative purposes, within the meaning of the acts of February 17, 1815, and December 28, 1876, *supra*, the Territory of Missouri was the territory as organized into counties, thus restricting the location of Ware scrip to an area now embraced in the States of Arkansas and Missouri.

OFFICERS AND EMPLOYEES OF GENERAL LAND OFFICE—CIRCULAR OF MAY 12, 1906, AMENDED TO INCLUDE LEASES, PERMITS OR ANY FORM OF APPLICATION.

INSTRUCTIONS.

[Circular No. 836.]

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., June 21, 1922.

TO ALL OFFICERS, CLERKS, AND EMPLOYEES OF THE GENERAL LAND OFFICE AT WASHINGTON OR ELSEWHERE:

1. Your attention is called to section 452, Revised Statutes, which reads as follows:

"The officers, clerks, and employees in the General Land Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office."

2. Departmental circular of September 15, 1890 (11 L. D., 348), stated that said section applied to all officers, clerks, and employees in the offices of the surveyors general, the local land offices, and the General Land Office, or any person wherever located or employed, under the supervision of the General Land Office.

3. Departmental circular of May 12, 1906 (34 L. D., 605), extended the regulations of September 15, 1890, so as to include the *wives* of officers and employees.

4. The Supreme Court of the United States, in the case of Waskey v. Hammer (223 U. S., 85, 93), referred with approval to the departmental instructions, and held that:

"The term 'purchase' is inclusive of the various modes of securing title to or rights in the public lands under the general laws regulating their disposal."

5. Said circulars of February 15, 1890, and May 12, 1906, are hereby amended so as to apply to the act of September 25, 1920 (41 Stat., 437), and all other acts whereby and whereunder any claim or interest whatsoever in and to the public lands is sought by sale, entry, selection, location, lease, permit, license or any other form of application.

WILLIAM SPRY,
Commissioner.

Approved:

E. C. FINNEY,
Acting Secretary.

AVY PAGE BENNETT.

Decided June 26, 1922.

FINAL PROOF—HOMESTEAD—RESIDENCE—LEAVE OF ABSENCE—ENTRY—SETTLEMENT—STATUTES.

Section 2291, Revised Statutes, as amended by the acts of June 6, 1912, and August 22, 1914, permits an entryman to make proof at any time when he can show compliance with the law as to residence and cultivation, provided that either his entry or his settlement has subsisted for three years, and nothing contained in the language used therein pertaining to leaves of absence is to be construed as requiring a lapse of three years from the establishment of residence.

DEPARTMENTAL DECISION CITED AND APPLIED.

The case of Robert G. McDougall (43 L. D., 186), cited and applied.

FINNEY, *First Assistant Secretary*:

On December 4, 1918, Avy Page Bennett made homestead entry Santa Fe 036655 under the general provisions of the homestead law for the SW. $\frac{1}{4}$, Sec. 20, T. 2 N., R. 7 E., N. M. P. M., New Mexico, under which he, on December 19, 1921, or three years and fifteen days after the date of his entry made final proof showing that he established residence on the land on March 11, 1919, and thereafter continuously resided there until the date of his proof.

This proof shows improvements valued at \$1000, and cultivation of 14 acres during 1919, 12 acres during 1920, and 33 acres during 1921.

By its decision of March 22, 1922, the General Land Office held that the proof was insufficient and should be rejected in the absence of a further showing for the reason that residence was not established until March 11, 1919, or less than three years prior to the date of filing proof.

Part 105.2 GCR.

*Still in effect
5/20/54 RB.*

Circular No. 839.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 16, 1923.

REINSTATEMENT OF CANCELED ENTRIES.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Your attention is invited to 15 L.D., 659, in which it was held:

"An application for the reinstatement of a canceled entry, while pending, operates to reserve the land covered thereby from other disposition."

Applications for reinstatement of canceled entries must be filed in the proper district land office, and must be executed by the entryman, his heirs, legal representatives, assigns, or transferees as the case may require. If made by other than the entryman, such petition for reinstatement must fully set forth the nature and extent of petitioner's interest in the land, how acquired, and the names and addresses of any other person or persons who have or claim an interest therein. All petitions for reinstatement should set forth all facts, and state clearly and concisely upon what grounds reinstatement is urged. Such petition must be sworn to before some officer qualified to administer oaths, and having an official seal, or, if sworn to before an officer who does not have an official seal, his official acts must be attested by some proper officer.

Applications for reinstatement of canceled entries executed by agents and attorneys will not be recognized. Your attention is called to the regulations governing the recognition of agents and attorneys before district land offices, approved April 20, 1907 (35 L.D., 534). Paragraph 8 thereof is hereby amended to read as follows:

"Every attorney must, either at the time of entering his appearance for a claimant or contestant, or within ten days thereafter, file written authority for such appearance, signed by said claimant or contestant, and setting forth his or her present post-office address. Upon a failure to file such written authority, it is the duty of the register and receiver to no longer recognize him as attorney in the case."

Whenever application for reinstatement of a canceled entry is filed you will transmit same with the next returns to this office, together with report as to the present status of the land involved. Thereafter you will not permit disposition of the land until the application for reinstatement is finally adjudicated. All subsequent applications should be held suspended unless on account of some special reason you should deem it proper to forward

same to this office to be considered in connection with the pending application for reinstatement. If a junior application be forwarded, report should accompany it, setting forth the reasons for which you deemed it advisable to transmit same.

Should an application for reinstatement be filed not conforming to the foregoing, you will promptly advise the party thereof, calling his attention to the defects and allow fifteen days in which to file a proper application. At the proper time you will make report setting forth what action the applicant has taken.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 16, 1923.

E. C. FINNEY,

First Assistant Secretary.

Office Copy

*Circ. 1455
See Circ. 1474
+ Circ. 1676*

DEPARTMENT OF THE INTERIOR

General Land Office - - Circular No. 851

*Part 385.1 -
285.34-CFR 43*

*Still
effect 5/26/22
40*

REGULATIONS

UNDER

TIMBER AND STONE LAW

(Acts of June 3, 1878, and Acts Amendatory)

APPROVED SEPTEMBER 20, 1922

[Revision of the Regulations approved November 30, 1908 (37 L. D., 289),
as revised January 2, 1914 (43-L. D. 37), and reprinted with
amendments (Circular No. 289), March 1, 1916]



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

REGULATIONS UNDER TIMBER AND STONE LAW.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 20, 1922.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: The regulations under the act of June 3, 1878 (20 Stat., 89), and amendatory acts, commonly known as the timber and stone law, which regulations were revised January 2, 1914 (43 L. D., 37), and reprinted with amendments on March 1, 1916, are hereby revised and modified, as follows:¹

PROVISION FOR APPRAISEMENT.

1. Any land subject to sale under the foregoing acts may, under the direction of the Commissioner of the General Land Office, upon application or otherwise, be appraised by smallest legal subdivisions, at their reasonable value, but at not less than \$2.50 per acre; and hereafter no sales shall be made under said acts except as provided in these regulations.

CHARACTER OF LANDS SUBJECT TO ENTRY.

2. All unreserved, unappropriated, nonmineral, surveyed public lands within the public-land States, which are valuable chiefly for the timber or stone thereon and unfit for cultivation at the date of sale, may be sold under this act at their appraised value, but in no case at less than \$2.50 per acre, in contiguous legal subdivisions upon which there is no existing mining claim or the improvements of any bona fide settler claiming under the public land laws. The act specifically prohibits the making of entries thereunder for land containing valuable deposits of gold, silver, cinnabar, copper, or coal, but entries thereunder may be allowed under the act of July 17,

¹ The principal changes consist of the elimination of the provision relating to the rights of applicants if the land applied for is not appraised within nine months from the date of filing of the application, and of inserting a provision to the effect that lands within the known geologic structures of producing oil or gas fields, or embraced in applications for oil and gas prospecting permits, or in permits or leases granted, are not subject to entry under the timber and stone law until and unless the Secretary of the Interior shall determine that the surface of the lands may be disposed of without detriment to the public interest. For changes made, see paragraphs 2, 8, 14, 23, and 27.

1914 (38 Stat., 509), for land withdrawn or classified as valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, provided the applicant files his consent, witnessed by two persons or acknowledged before an officer having an official seal, to have the entry stand subject to the provisions and limitations of said act. However, lands within the known geologic structures of producing oil or gas fields, or embraced in applications for oil and gas prospecting permits, or in permits or leases granted, are not subject to entry hereunder until and unless the Secretary of the Interior shall determine that the surface of the lands may be disposed of without detriment to the public interest. The terms used in this paragraph may be defined substantially as follows for the purpose of construing and applying this law:

(a) *Unreserved and unappropriated lands* are lands which are not included within any military, Indian, or other reservation, or in a national forest, or in a withdrawal by the Government for reclamation or other purposes, or which are not covered or embraced in any entry, location, selection, or filing which withdraws them from the public domain.

(b) *Unoccupied lands* are lands belonging to the United States upon which there are no improvements belonging to any person who has initiated and is properly maintaining a valid mining or other claim to such lands under the public-land laws. Abandoned and unused mines, shafts, tunnels, or buildings occupied by mere trespassers not seeking title under any law of the United States do not prevent timber and stone entries if the land is otherwise capable of being so entered.

(c) *Nonmineral lands* are such lands as are not known to contain any substance recognized and classed by standard authorities as mineral, in such quantities and of such qualities as would, with reasonable prospects of success in developing a paying mine thereon, induce a person of ordinary prudence to expend the time and money necessary to such development.

(d) *Timber* is defined as trees of such kind and quantity, regardless of size, as may be used in constructing buildings, irrigation works, railroads, telegraph and telephone lines, tramways, canals, or fences, or in timbering shafts and tunnels or in manufacturing, but does not include trees suitable for fuel only.

(e) *Lands valuable chiefly for timber*, but unfit for cultivation, are lands which are more valuable for timber than they are for cultivation in the condition in which they exist at the date of the application to purchase, and therefore include lands which could be made more valuable for cultivation by cutting and clearing them of timber. The relative values for timber or cultivation must be determined

from conditions of the land existing at the date of the application to purchase.

3. Lands may be entered under the timber and stone acts, except as denied by special laws, in all of the public-land States; but such entries may not be made in Alaska.

BY WHOM ENTRIES MAY BE MADE.

4. One timber and stone entry may be made for not more than 160 acres (*a*) by any person who is a citizen of the United States, or who has declared his intention to become such citizen, if he is not under 21 years of age, and has not already exhausted his right by reason of a former application for an entry of that kind, or has not already acquired title to or is not claiming under the homestead or desert land laws through settlement or entry made since August 30, 1890, any other lands which, with the land he applies for, would aggregate more than 320 acres; or (*b*) by an association of such persons; or (*c*) by a corporation, each of whose stockholders is so qualified.

5. A married woman may make entry if the laws of the State in which she applies permit married women to purchase and hold for themselves real estate, but she must make the entry for her own benefit and not in the interest of her husband or any other person.

METHOD OF OBTAINING TITLE.

6. Any qualified person may obtain title under the timber and stone law by performing the following acts: (*a*) Personally examining the land desired; (*b*) presenting an application and sworn statement, accompanied by a filing fee of \$10; (*c*) depositing with the receiver the appraised price of the land; (*d*) publishing notice of his application and proof; (*e*) making final proof.

7. Examination of the land must be made by the applicant in person not more than 30 days before the date of his application, in order that he may knowingly swear to its character and condition.

APPLICATION AND SWORN STATEMENT: DEPOSIT.

8. The application and sworn statement (Form 4-522) must contain the applicant's estimate of the timber, based on examination, and his valuation of the land and the timber thereon, by separate items. It must be executed in duplicate, after having been read to or by the applicant, in the presence of the officer administering the oath, and sworn to by him before such officer, and may be either the register or the receiver of the land district in which the land is located, a United States commissioner, a judge or a clerk of a court of record in the county or parish in which the land is situated, or one of these officers outside of that county or parish, if he is nearer and

more accessible to the land than any other qualified officer and has his office or place of business within the land district in which the land is located. Each applicant must, at the time he presents his application and sworn statement, deposit with the receiver a filing fee of \$10. The application must be filed in the district land office or deposited in the mails within 10 days after its execution.

9. Applications by associations or corporations must, in addition to the facts recited in the foregoing statement, show that each person forming the association or holding stock in the corporation is qualified to make entry in his own right and that he is not a member of any other association or a stockholder in any other corporation which has filed an application or sworn statement for other lands under the timber and stone laws.

DISPOSITION OF APPLICATION.

10. After application and deposit have been filed in proper form, as required by these regulations, the register and receiver will at once forward one copy of the application to the chief of field division having jurisdiction of the land described, who, if he finds legal objection to the allowance of the application, will return it to them with report thereon. The register and receiver will, if they concur in an adverse recommendation of the chief of field division, dismiss or deny the application, subject to the applicant's right of appeal; but if they disagree with his recommendation they will forward the record to the Commissioner of the General Land Office, with their report and opinion thereon, for such action as he may deem advisable.

If the chief of field division finds no such legal objection to the application, he shall cause the lands applied for to be appraised by an officer or employee of the Government, using Form 4-526.

APPRAISEMENT: METHOD.

11. The officer or employee designated to make the appraisement must personally visit the lands to be appraised and thoroughly examine every legal subdivision thereof, and the timber thereon, and appraise separately the several kinds of timber at their stumpage value, and the land independent of the timber at its value at the time of appraisement, but the total appraisement of both land and timber must not be less than \$2.50 per acre. He must, in making his report, consider the quantity, quality, accessibility, and any other elements of the value of the land and the timber thereon. The appraisement must be made by smallest legal subdivisions, or the report must show that the valuation of the land and the estimate of the timber apply to each and every subdivision appraised.

APPRAISEMENT: MANNER OF RETURN: APPROVAL.

12. The completed appraisalment must be mailed or delivered personally to the chief of field division under whose supervision it was made, and not to the applicant. Each appraisalment upon which an entry is to be allowed must be approved, respectively or conjointly, as provided in these regulations, by the chief of field division under whose supervision it was made, by the register and receiver who allow the entry, or by the Commissioner of the General Land Office.

APPRAISEMENT: DISAGREEMENT BETWEEN APPRAISING AND APPROVING OFFICERS: HOW DETERMINED.

13. The chief of field division will return to the appraiser, with his objections, an appraisalment which he deems materially low or high, and the appraiser shall within 20 days from the receipt thereof, resubmit the papers, with such modifications or explanations as he may deem advisable or proper, upon receipt of which the chief of field division will either approve the schedule as then submitted or forward the papers to the register or receiver with his memorandum of objection. The register and receiver will thereupon consider the case. If they approve the appraisalment, they will sign the certificate appended thereto and advise the chief of field division thereof. If the register and receiver approve the objection of the chief of field division, they will so indicate, and if the appraising officer is an employee of the Interior Department, under the supervision of the chief of field division, they will return the papers to the chief of field division, who will thereupon order a new appraisalment by a different officer. If, however, the register and receiver approve the objection of the chief of field division, when the appraiser is an officer of another bureau of this department or of another department, they will forward the record of the case to the Commissioner of the General Land Office, who will then determine the controversy.

APPRAISEMENT: NOTATION AND EFFECT THEREOF.

14. When the appraisalment is completed, the register and receiver will note the price on their records, and for one year after the date of the appraisal the land may be sold at such price. After the lapse of one year an application under the act will be referred to the chief of field division for report and recommendation as to whether the conditions then existing demand a new appraisal.

NOTICE OF APPRAISEMENT: PAYMENT OR PROTEST.

15. If the appraisalment shows the land, or any subdivision thereof, to be subject to entry, the register and receiver will note its appraised price on their records, and will immediately inform the applicant

(using Form 4-524) that he must, within 30 days from service of notice, deposit with the receiver, either in lawful money, in post-office money orders payable to the receiver, in certified checks drawn in favor of the receiver which can be cashed without cost to the Government, or as provided in paragraph 34 hereof, the appraised price of the land, or of said part, and the timber thereon, or within said time file his protest against the appraisement, depositing with the receiver a sum sufficient to defray the expenses of a reappraisement (which sum, not less than \$100, must be fixed by the register and receiver and specified in the notice to the applicant), together with his application for reappraisement at his own expense.

16. If the register and receiver reject the application as to part or all of the land, upon the ground that the appraisement shows it not to be subject to timber and stone entry, applicant may within 30 days submit a showing by affidavit, corroborated by at least two witnesses having actual knowledge of the character of the land, setting forth facts which tend to disprove the appraisement and that it is chiefly valuable for the timber and stone thereon, and if a prima facie showing is made, thereupon a hearing shall be ordered to determine the facts, after a date has been fixed for the same by agreement between the chief of field division and the register and receiver. Notice must be given by registered letter and the envelope should be marked for return if not delivered within 30 days. If notice be returned after being held in the post office for 30 days, such proceedings will constitute constructive notice for 30 days. After 30 days' notice has been had, if no deposit of the price has been made, or protest against the appraisement has been filed as to lands found subject to entry, and no application for hearing or appeal has been filed as to lands found not subject to entry, the register and receiver shall close the case on their records, all rights under the application being terminated without notice.

OBJECTION TO APPRAISEMENT: APPLICATION FOR REAPPRAISEMENT.

17. Any applicant filing his protest against an appraisement, and his application for reappraisement, must support it by his affidavit, corroborated by two competent, credible, and disinterested persons, in which he must set forth specifically his objections to the appraisement. He must indicate his consent that the amount deposited by him for the reappraisement, or such part thereof as is necessary, may be expended therefor, without any claim on his part for a refund or return of the money thus expended.

REAPPRAISEMENT.

18. Upon the receipt of a protest against appraisement and application for reappraisement conforming to the regulations herein, the

register and receiver will transmit such protest and application to the chief of field division, who will cause the reappraisement to be made by some officer other than the one making the original appraisement. The procedure provided herein for appraisement will be followed for reappraisement, except the latter, if differing from the former, must, to give it effect, be approved both by the chief of field division and the register and receiver, or, in case of disagreement between them, by the Commissioner of the General Land Office.

NOTICE OF APPRAISEMENT.

19. When a reappraisement is finally effected, the register and receiver will note the reappraised price on their records, and at once notify the applicant (using Form 4-525) that he must, within 30 days from the date of notice, deposit with the receiver the amount fixed by such reappraisement for the sale of the land, or thereafter, and without notice, forfeit all rights under his application.

COST OF MAKING REAPPRAISEMENT.

20. The officer or employee of the United States making the reappraisement shall be paid from the amount deposited with the receiver by the applicant therefor, the salary, per diem, and other expenses to which he would have been entitled from the Government, in the case of an original appraisement, for his services for the time he was engaged in making and returning the reappraisement. The receiver will, out of the money deposited by the applicant, pay such compensation including reasonable expenses for subsistence, transportation, and necessary assistants; and the officer will deduct from his expense account with the Government the amount which he has received from the receiver for such services. The receiver will return to the applicant the amount, if any, remaining on deposit with him after paying the expenses of said reappraisement.

FINAL PROOF.

21. After the appraisement or reappraisement and deposit of purchase money and fee have been made the register will fix a time and place for the offering of final proof, and name the officer before whom it shall be offered and post a notice (Form 4-348e) thereof in the land office and deliver a copy of the notice (Form 4-348f) to the applicant, to be by him and at his expense published in the newspaper of accredited standing and general circulation published nearest the land applied for. This notice must be continuously published in the paper for 60 days prior to the date named therein as the day upon which final proof must be offered.

TIME, PLACE, AND METHOD OF MAKING FINAL PROOF.

22. Final proof (using Form 4-370a) should be made at the time and place mentioned in the notice, and, as a part thereof, evidence of publication, as required by the previous paragraph, should also be filed. If final proof is not made on that day or within 10 days thereafter, the applicant may lose his right to complete entry of the land. Upon satisfactory showing, however, explaining the cause of his failure to make the proof as above required, and in the absence of adverse claim, the Commissioner of the General Land Office may authorize him to readvertise and complete entry under his previous application.

23. If an applicant dies after the filing of an allowable application hereunder, his heirs will be permitted to make proof and payment, but patent will issue to the heirs of the applicant.

FINAL ENTRY.

24. After an appraisement or reappraisement has been approved, the payments made, and satisfactory proof submitted in any case as required by these regulations, the register and receiver will, if no protest or contest is pending, allow a final entry.

GENERAL PROVISIONS.**CONTESTS AND PROTESTS.**

25. Protest may be filed at any time before an entry is allowed, and contest may be filed at any time before patent issues, by any person who will furnish the register and receiver with a corroborated affidavit alleging facts sufficient to cause the cancellation of the entry, and will pay the cost of contest.

FALSE SWEARING—FORFEITURE.

26. If an applicant swear falsely in his application or sworn statement, he will be liable to indictment and punishment for perjury; and if he be guilty of false swearing or attempted fraud in connection with his efforts to obtain title, his application and entry will be disallowed and all moneys paid by him will be forfeited to the Government, and his rights under the timber and stone acts will be exhausted.

EFFECT OF APPLICATION TO PURCHASE.

27. The filing of an application hereunder, for land subject thereto, and to the completion of which the Government interposes no obstacle, exhausts the right of the applicant under the act.

28. After an application has been presented hereunder no other person will be permitted to file on the land embraced therein under

any public-land law until such application shall have been finally disposed of adverse to the applicant.

29. Lands appraised or reappraised hereunder, but not sold, may, upon the final disallowance of the application, be entered by any qualified person, under the provisions of the timber and stone laws, at its appraised or reappraised value, if subject thereto.

30. Lands applied for but not appraised and not entered under these regulations may, when the rights of the applicant are finally terminated, be disposed of as though such application had not been filed.

31. Any lands which have not been reappraised may be reappraised upon the request of an applicant therefor under these regulations who complies with the requirements of section 17 hereof.

32. An applicant securing a reappraisement under these regulations shall acquire thereby no right or privilege except that of purchasing the lands at their reappraised value, if he is qualified, and if the lands are subject to sale under his application; and he must otherwise comply with these regulations, but shall not, in any event, be entitled to the return of any money deposited by him and expended in such reappraisement.

33. The Commissioner of the General Land Office may at any time direct the reappraisement of any tract or tracts of public lands, when, in his opinion, the conditions warrant such action.

34. Unsatisfied military bounty land warrants under any act of Congress and unsatisfied indemnity certificates of location under the act of Congress approved June 2, 1858, properly assigned to the applicant, shall be receivable as cash in payment or part payment for lands purchased hereunder at the rate of \$1.25 per acre.

35. The forms mentioned herein shall be a part of these regulations.

ENTRY OF STONE LANDS.

36. The foregoing regulations apply to entries of lands chiefly valuable for stone, and the forms herein prescribed can be modified in such manner as may be necessary to the making of entries of stone lands.

FORMER REGULATIONS REVOKED.

37. All former regulations, decisions, and practices in conflict with these regulations are hereby revoked.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved:

E. C. FINNEY,

First Assistant Secretary.

APPENDIX.

Acts relating to Timber and Stone Entries.

AN ACT For the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California, Oregon, and Nevada, and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale, according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belonged to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or con-

tract in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnebar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

* * * * *

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, June 3, 1878. (20 Stat., 89.)

AN ACT To authorize the entry of lands chiefly valuable for building stone under the placer mining laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under

the provisions of the law in relation to placer mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act.

SEC. 2. That an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," approved June third, eighteen hundred and seventy-eight, be, and the same is hereby, amended by striking out the words "States of California, Oregon, Nevada, and Washington Territory," where the same occur in the second and third lines of said act, and insert in lieu thereof the words "public-land States," the purpose of this act being to make said act of June third, eighteen hundred and seventy-eight, applicable to all the public-land States.

SEC. 3. That nothing in this act shall be construed to repeal section twenty-four of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one.

Approved August 4, 1892. (27 Stat., 348.)

AN ACT To provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location under section three of the act approved June second, eighteen hundred and fifty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the benefits now given thereto by law, all unsatisfied military bounty land warrants under any act of Congress, and unsatisfied indemnity certificates of location under the act of Congress approved June second, eighteen hundred and fifty-eight, whether heretofore or hereafter issued, shall be receivable at the rate of \$1.25 per acre in payment or part payment for any lands entered under the desert-land law of March third, eighteen hundred and eighty- [seventy-] seven, entitled "An act to provide for the sale of desert lands in certain States and Territories." and the amendments thereto, the timber-culture law of March third, eighteen hundred and seventy-three, entitled "An act to encourage the growth of timber on the Western prairies," and the amendments thereto; the timber and stone law of June third, eighteen hundred and seventy-eight, entitled "An act for the sale of timber lands in the States of California, Oregon, Nebraska, and Washington Territory," and the amendment thereto, or for lands which may be sold at public auction, except such lands as shall have been purchased from any Indian tribe within ten years last past.

Approved, December 13, 1894. (28 Stat., 594.)

AN ACT To abolish the distinction between offered and unoffered lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in cases arising from and after the passage of this act the distinction now obtaining in the statutes between offered and unoffered lands shall no longer be

made in passing upon subsisting preemption claims, in disposing of the public lands under the homestead laws, and under the timber and stone law of June third, eighteen hundred and seventy-eight, as extended by the act of August fourth, eighteen hundred and ninety-two, but in all such cases hereafter arising the land in question shall be treated as unoffered, without regard to whether it may have actually been at some time offered or not.

* * * * *

Approved, May 18, 1898. (30 Stat., 418.)

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

Approved, August 30, 1890. (26 Stat., 391.)

AN ACT To repeal the timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs, excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs; and that the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public

lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands, and not include lands entered or sought to be entered under mineral-land laws.

Approved, March 3, 1891. (26 Stat., 1095.)

The 320-acre limitation provided by the above acts of August 30, 1890 (26 Stat., 391), and March 3, 1891 (26 Stat., 1095), applies to timber and stone entries. (33 L. D., 539, 605.)

CIRCULAR NO. 857.

CITIZENSHIP OF MARRIED WOMEN.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, October 11, 1922.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

GENTLEMEN: Your attention is directed to the act of Congress approved September 22, 1922 (Public, No. 346), entitled "An act relative to the naturalization and citizenship of married women," a copy of which is appended.

In all cases of applications for entry of public land, or proofs in support of such entries, by married women otherwise duly qualified to make such entry or proof, you will require a showing of such facts concerning marital status and citizenship as may be rendered necessary by the provisions of said act.

The act makes no change in the existing requirements with respect to a female citizen of the United States who, after initiating a claim to public land, marries an alien, as set forth in paragraph 2, Circular No. 361 (43 L. D., 444), and she must show that her husband is entitled to become a citizen of the United States.

Office Circular No. 44, of August 17, 1911, is revoked.

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved, October 11, 1922.

E. C. FINNEY,
First Assistant Secretary.

(PUBLIC—No. 346—67TH CONGRESS.)

[H. R. 12022.]

An Act Relative to the naturalization and citizenship of married women.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States, she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation.

Sec. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

Sec. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

Sec. 6. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

Sec. 7. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage.

Approved, September 22, 1922.

4633.

Circular No. 857.

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CITIZENSHIP OF MARRIED WOMEN.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 12, 1930.

Registers,

United States Land Offices.

Gentlemen:

Your attention is directed to the act of Congress approved September 22, 1922 (42 Stat. 1021), entitled "An act relative to the naturalization and citizenship of married women," as amended by act of July 3, 1930 (Public No. 499), and the amendatory act of July 3, 1930 (Public No. 508), which are appended.

In all cases of applications for entry of public land, or proofs in support of such entries, by married women otherwise duly qualified to make such entry or proof, you will require a showing of such facts concerning marital status and citizenship as may be rendered necessary by the provisions of said act, as amended.

The act makes no change in the existing requirements with respect to a female citizen of the United States who, after initiating a claim to public land, marries an alien, as set forth in paragraph 2, Circular No. 361 (43 L. D. 444), and she must show that her husband is entitled to become a citizen of the United States.

Very respectfully,

C. C. MOORE,

Commissioner.

Approved: August 12, 1930.

JOHN H. EDWARDS,

Assistant Secretary.

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see also line 68
Circ. 857

(Public--No. 346--67th Congress.)

(H. R. 12022.)

"An Act Relative to the Naturalization and Citizenship of Married Women."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged, because of her sex or because she is a married woman.

Sec. 2. That any woman who married a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: Provided, That any woman citizen who married an alien ineligible to citizenship shall cease to be a citizen of the United States. ¹(If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation.)

1. Repealed by section 1 of act July 3, 1930 (Public No. 508), appended, which also provides that "such repeal shall not restore citizenship lost under such section 3 before such repeal."

²Sec. 4. (That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act: Provided, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.)

Sec. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

Sec. 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907.

Sec. 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage.

"I. Sec. 8. That any woman eligible by race to citizenship who has married a citizen of the United States before the passage of this amendment, whose husband shall have been a native-born citizen and a member of the military or naval forces of the United States during the World War, and separated therefrom under honorable conditions; if otherwise admissible, shall not be excluded from admission into the United States under section 3 of the Immigration Act of 1917, unless she be excluded under the provisions of that section relating to--

(a) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(b) Polygamy;

(c) Prostitutes, procurers, or other like immoral persons;

(d) Persons convicted of crime: Provided, That no such wife shall be excluded because of offenses committed during legal infancy, while a minor under the age of twenty-one years, and for which the sentences imposed were less than three months, and which were committed more than five years previous to the date of the passage of this amendment;

(e) Persons previously deported;

(f) Contract laborers.

That after admission to the United States she shall be subject to all other provisions of this act."

Approved, September 22, 1922 (42 Stat. 1021), and amended by acts of July 3, 1930 (Public Nos. 499 and 508).

²Amended by section 2 of act of July 3, 1930 (Public No. 508), which also provides that the amendment "shall not terminate citizenship acquired under such section 4 before such amendment."

¹Added by act of July 3, 1930 (Public No. 499).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last three sentences of section 3 of the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922 (relating to the presumption of loss of citizenship by married women by residence abroad), are repealed, but such repeal shall not restore citizenship lost under such section 3 before such repeal.

Sec. 2. (a) Section 4 of such act of September 22, 1922, is amended to read as follows:

"Sec. 4. (a) A woman who has lost her United States citizenship by reason of her marriage to an alien eligible to citizenship or by reason of the loss of United States citizenship by her husband may, if eligible to citizenship and if she has not acquired any other nationality by affirmative act, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

"(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the county where the petition is filed shall be required;

"(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States;

"(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

"(4) If there is attached to the petition, at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing.

"(b) After her naturalization such woman shall have the same citizenship status as if her marriage, or the loss of citizenship by her husband, as the case may be, had taken place after this section, as amended, takes effect."

(b) The amendment made by this section to section 4 of such act of September 22, 1922, shall not terminate citizenship acquired under such section 4 before such amendment.

Sec. 3. Subdivision (f) of section 4 of the Immigration Act of 1924, as amended, is amended to read as follows:

"(f) A woman who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country."

Approved, July 3, 1930 (Public No. 508).

An Act Relative to the naturalization and citizenship of married women.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

Sec 2. That any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: Provided, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside of the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation.

Sec. 4. That a woman who, before the passage of this Act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this Act: Provided, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this Act.

Sec. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

Sec. 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship

Circular No. 857.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 11, 1922.

CITIZENSHIP OF MARRIED WOMEN.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Your attention is directed to the act of Congress approved September 22, 1922 (Public No. 346), entitled "An act relative to the naturalization and citizenship of married women," a copy of which is appended.

In all cases of applications for entry of public land, or proofs in support of such entries, by married women otherwise duly qualified to make such entry or proof, you will require a showing of such facts concerning marital status and citizenship as may be rendered necessary by the provisions of said act.

The act makes no change in the existing requirements with respect to a female citizen of the United States who, after initiating a claim to public land, marries an alien, as set forth in paragraph 2, Circular No. 361 (43 L.D., 444), and she must show that her husband is entitled to become a citizen of the United States.

Office Circular No. 44, of August 17, 1911, is revoked.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved, October 11, 1922.

E. C. FINNEY,
(4638) First Assistant Secretary.

acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907.

Sec. 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage.

Approved, September 22, 1922.

*Approved
See Circ 1752*

CONSOLIDATION OF NATIONAL FORESTS

[Reprint of regulations of October 28, 1922 (49 L. D. 365), with amendments of February 1, 1924, Circular 918 (50 L. D. 261); February 4, 1924, Circular 919 (50 L. D. 268), and February 14, 1925, Circular 980.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 20, 1925.

REGISTERS AND RECEIVERS,

United States Land Offices.

GENTLEMEN: 1. The act of March 20, 1922 (42 Stat., 465), entitled "An act to consolidate national forest lands," reads as follows:

That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

The act of March 20, 1922, was amended by the act of February 28, 1925 (Public No. 513), by adding thereto the following section:

SEC. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

2. *Initial application to forest officers.*—All preliminary negotiations relating to an exchange under the act are to be conducted with the local representatives of the Forest Service, and any owner of

land subject to exchange who desires to take advantage of the privileges conferred by this act must file with the local national forest officers an informal application describing the land to be conveyed as well as that to be selected, or if timber is desired in exchange the land on which such timber is located. The land must be specifically described according to Government subdivisions, and, as a rule, nothing less than a legal subdivision may be surrendered or selected. An exception to this rule may be made only where in the opinion of the Secretary of Agriculture and the Secretary of the Interior such exception would be advantageous to the Government. The selected land or timber must be entirely within national forest boundaries and in the same State in which the relinquished lands are located.

The applicant must show by affidavit or other evidence satisfactory to the Forest Service that he is the owner of the land to be conveyed, and that the land relinquished and the land or timber selected are equal in value.

3. *Approval of the exchange.*—When a tentative agreement has been reached between the applicant and the local national forest officer the case will be submitted to the district forester and if approved by him to the Forester at Washington, D. C., for consideration.

If the Forester finds the exchange to be in the public interest and that an equality of values exists, he will request the Secretary of Agriculture to advise the Secretary of the Interior that the acceptance of the certain described lands offered under the act and the granting in lieu thereof of other certain described lands, or of stumpage upon other described lands, meets with the approval of the Department of Agriculture; that the base lands are chiefly valuable for national forest purposes, and that the value of the offered and selected lands is approximately equal.

The Secretary of the Interior, upon receipt of such letter from the Secretary of Agriculture, unless he has reasons to do otherwise, will approve the exchange, subject to the submission of acceptable title to the lands tendered and to full compliance by the applicant with these regulations, and subject to any protests or other valid objections which may appear.

4. *Formal application to district land officers.*—The General Land Office will notify the district land officers of the district in which the land or timber to be selected is located of the approval of the exchange, and such district land officers will in turn notify the person desiring to make such exchange of the approval thereof and that he is allowed 60 days from receipt of notice within which to file his formal application specifically describing the land selected, or the land on which timber selected is located, and the land to be relinquished. The application must be accompanied by the necessary affidavits and fees.

No fixed forms of application for selection under this act and accompanying affidavits as to the relinquished and selected lands have been prepared, but these instructions should be followed as nearly as possible.

Each application will be given a serial number and have the hour and date of filing stamped thereon. You will note on your records against the land, "Selected under act of March 20, 1922, Public, No. 173, by _____ (date _____, serial No. _____, pending)."

5. *Affidavits required.*—The applicant will be required to show by affidavit that he is 21 years of age, and otherwise legally capable of carrying through the transaction; that he is the owner of the land relinquished, and that said land is not the basis of another selection or exchange. He must also furnish his own affidavit or the affidavit of some credible person possessed of the requisite personal knowledge, showing that the land selected is nonmineral in character; that it contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor; that it is not in any manner occupied or claimed adversely to the selector.

These affidavits may be executed before any officer qualified to administer oaths.

6. *Fees.*—Fees must be paid by the applicant at the rate of \$1 each to the register and receiver for each 160 acres, or fraction thereof, of the base lands surrendered and conveyed to the Government.

7. *Publication and posting.*—Within 30 days from the filing of his application to select land or timber the applicant will begin publication of notice thereof, at his own expense, in a newspaper or newspapers having general circulation in the county or counties in which the land relinquished and the land or timber selected are situated, the newspapers to be designated by the register. Such notice must be published once each week for four successive weeks during which time a similar notice of the application must be posted in the local land office. The notice should describe the land or timber applied for as well as the land to be given in exchange and give the date of filing the application and state that the purpose thereof is to allow all persons claiming the land selected or having bona fide objections to such application an opportunity to file their protests with the local officers of the land district in which the land selected is situated.

Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The register shall certify to the posting in his office. The dates of such publication and posting must in all cases be given.

8. *Action by district land officers.*—Should a protest be filed, all the papers should be transmitted to the General Land Office for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objection appear on your records, you will notify the selector that he is allowed 60 days from receipt of notice within which to file the relinquishment or reconveyance, and abstract of title, as prescribed in paragraphs numbered 9, 10, and 11.

The proof papers necessary to complete a selection should be filed at the same time. However, if additional time is necessary to complete the abstract, the same will be granted upon a proper showing.

After the filing of the required relinquishment, abstract of title, and other proof, the register will certify the condition of the record on the application and will promptly transmit the original application and accompanying papers to this office by special letter.

9. *Relinquishment or reconveyance.*—The deed of relinquishment or reconveyance of the land tendered as a basis of exchange must be executed and acknowledged in the same manner as a conveyance of real property is required to be executed and acknowledged by the

laws of the State in which the land is situated. The deed should also be duly recorded.

Where the relinquishment or reconveyance is made by an individual it must show whether the person relinquishing is married or single, and if married, the wife or husband of such person, as the case may be, must join in the execution of the relinquishment or reconveyance in such a manner as to effectually bar any right of curtesy or dower, or any claim whatsoever to the land relinquished, or it must be fully shown that under the laws of the State in which the relinquished land is situated such wife or husband has no interest whatsoever, present or prospective, which makes her or his joining in the relinquishment or reconveyance necessary.

Where the relinquishment or reconveyance is by a corporation, it should be recited in the instrument of transfer that it was executed pursuant to an order or by the direction of the board of directors or other governing body, a copy of which order or direction should accompany such instrument of transfer, and should bear the impression of the corporate seal.

10. *Abstracts of title.*—Each relinquishment or reconveyance must be accompanied by a duly authenticated abstract of title, showing that at the time the reconveyance was recorded the title was in the party making the conveyance, and that the land was free from conflicting record claims, tax liabilities, judgment or mortgage liens, pending suits or other incumbrances.

The certificate of authentication of the abstract must be signed by the recorder of deeds or other proper official, under his official seal, and must show that the title memoranda is a full, true, and complete abstract of all matters of record or on file in his office, including all conveyances, mortgages, or other incumbrances, judgments against the various grantors, mechanics' liens, lis pendens, or other instruments which are required by law to be filed with the recording officers, affecting in any manner whatsoever the title to the described land. The authenticity of the tax records must be certified showing that all taxes levied or assessed against the land, or that could operate thereon as a lien, have been fully paid; or whether there is a tax lien although such tax is not assessed, due or payable; that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of his office. The absence of judgment liens or pending suits against the various grantors which might affect the title of the land relinquished or reconveyed must be shown by the official certificate of the clerks of the courts of record, whose judgments, under the laws of the United States or the State in which the land is situated, would be a lien on the land reconveyed or relinquished. If it is preferred the abstract may be authenticated by an abstractor or by an abstract company, approved by the General Land Office, in accordance with section 42 of the Mining Regulations of April 11, 1922 (49 L. D. 15, 69).

11. *Application for timber.*—If timber is desired in exchange for the land to be conveyed to the United States, proof that notice has been published and posted will be all the evidence necessary to be filed in regard to the timber, but all the proof required in connection with the land offered as a basis for the exchange must be filed.

12. *Action by the General Land Office.*—The application and accompanying proof will, upon receipt by the General Land Office, be

examined at as early a date as practicable, and if found defective opportunity will be given the parties in interest to cure the defects, if possible. If the selection appears regular and in conformity with the law and these regulations, the selection will, in the absence of objections, if for land only, be formally approved for patent by letter to the district land office, but if timber is taken in exchange the Secretary of Agriculture will, upon advice of the Secretary of the Interior that the regulations have been fully complied with issue proper permit or certificate for timber.

13. *Practice and procedure.*—Notice of additional or further requirements, rejections, or other adverse actions of registers and receivers, the commissioner or the Secretary, will be given and the right of appeal, review, or rehearing recognized in the manner now prescribed by the Rules of Practice, except as otherwise herein provided. A protest or other objection against the selection or the application to select, must be filed in the district land office to be forwarded to the General Land Office for consideration and disposal. Application to enter filed subsequent to any conflicting application to select will be rejected, except where the subsequent application to enter is supported by allegations of prior right, in which event it will be transmitted to the General Land Office with appropriate recommendation. Applications presented under these regulations not in substantial conformity with the requirements herein made, not accompanied by the prescribed proof, or where land offered as basis of exchange or the land selected is not situated within the boundaries prescribed by the act will be rejected, subject to appeal or curing of the defect where possible.

14. *Right reserved to reject any and all applications.*—Applications to select either land or timber under the provisions of the act will not defeat the right of the United States to withdraw or reserve the land for such purposes or uses as may be proper prior to the filing in the district land office of an application complete in all particulars.

15. *Other forest exchanges.*—Other acts provide for exchanges of lands in national forests. Special regulations governing these acts have not been prepared, but exchanges thereunder must be made under the foregoing regulations, modified, however, to meet the limitations, conditions, and provisions of the acts mentioned. The acts referred to are as follows: January 9, 1903 (32 Stat. 765); February 28, 1911 (36 Stat. 960); March 4, 1911 (36 Stat. 1357); July 25, 1912 (37 Stat. 200); July 31, 1912 (37 Stat. 241); August 22, 1912 (37 Stat. 323); June 24, 1914 (38 Stat. 387); July 3, 1916 (39 Stat. 344); September 8, 1916 (39 Stat. 846); September 8, 1916 (39 Stat. 852); June 5, 1920 (41 Stat. 980); February 27, 1921 (41 Stat. 1148); March 4, 1921 (41 Stat. 1364); March 4, 1921 (41 Stat. 1366); February 2, 1922 (42 Stat. 362); and other similar acts.

Very respectfully,

WILLIAM SPRY,
Commissioner, General Land Office.

Approved, March 20, 1925.

E. C. FINNEY,

Acting Secretary of the Interior.

W. M. JARDINE,

Secretary of Agriculture.



Office Copy

Circular No. 863b.

EXCHANGES FOR THE CONSOLIDATION OR EXTENSION OF NATIONAL FORESTS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

*Obsolete
See Circ. 1752*

June 17, 1938.

Contents

1. Statutory Authority.
2. Preliminary Negotiations.
3. Approval of Informal Application.
4. Formal Application.
5. Affidavits Required.
6. Fees.
7. Publication and Posting.
8. Action by Register.
9. Deed of Conveyance.
10. Evidence of Title.
11. Application for Timber.
12. Action by the General Land Office.
13. Practice and Procedure.
14. Right Reserved to Reject Applications.
15. Other Forest Exchanges.
16. Conveyed Lands Added to National Forests.

1. Statutory Authority. The act of March 20, 1922 (42 Stat. 465), provides that when the public interests will be benefited thereby, the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States title to any lands within national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests in the same State; the values in each case to be determined by the Secretary of Agriculture.

The act of March 20, 1922, was amended by the act of February 28, 1925 (43 Stat. 1090), by adding thereto section 2, which provides that either party to such an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands.

2. Preliminary Negotiations. All preliminary negotiations relating to an exchange under the act are to be conducted with the local representatives of the Forest Service, and any owner of land subject to exchange who desires to take advantage of the privilege conferred by this act must file with the local national forest officers an informal application describing the land to be conveyed as well as that to be selected, or if timber is desired in exchange the land on which such timber is located. The land must be specifically described according to Government subdivisions, and, as a rule, nothing less than a legal subdivision may be offered or selected, except where the applicant or the Government does not own the entire legal subdivision, or where a portion of a legal subdivision offered the Government is not valuable for national forest purposes, or where the United States desires to retain ownership of a portion or portions of a legal subdivision selected by the applicant, due to the fact that such tract or tracts are chiefly valuable for national forest purposes. The selected land or timber must be entirely within national forest boundaries and in the same State in which the offered lands are located. The applicant must show by affidavit or other evidence satisfactory to the Forest Service that he is the owner of the land to be conveyed, and that such land is equal in value to the land or timber selected.

3. Approval of Informal Application. When a tentative agreement has been reached between the applicant and the local national forest officer the case will be submitted to the Regional Forester and if approved by him to the Chief, Forest Service, Washington, D. C., for consideration. If the Chief, Forest Service, finds the exchange to be in the public interests and that the selected land or timber does not exceed the offered land in value, he will request the Secretary of Agriculture to advise the Secretary of the Interior that the acceptance of the certain described lands offered under the act and the granting in lieu thereof of other certain described lands, or of stumpage upon other described lands, meets with the approval of the Department of Agriculture; that the offered lands are chiefly valuable for national forest purposes, and that the appraised value of the land or timber selected does not exceed that of the land offered in exchange. The Secretary of the Interior, upon receipt of such letter from the Secretary of Agriculture, unless he has reason to do

otherwise, will approve the exchange, subject to the submission of acceptable title to the offered lands and to full compliance by the applicant with these regulations, and subject to any protests or other valid objections which may appear.

4. Formal Application. The General Land Office will notify the register of the district land office in whose district the land or timber to be selected is located of the approval of the exchange, and such register will in turn notify the person desiring to make such exchange of the approval thereof and that he is allowed 60 days from receipt of notice within which to file his formal application specifically describing the offered and selected lands, and in case timber is selected, the land on which the timber is located. The application must be accompanied by the necessary affidavits and fees.

Applications for exchange under this act, and the affidavits required by these regulations as to the offered and selected lands, should be in accordance with the appended form, or its substantial equivalent. Each application will be given a serial number and have the hour and date of filing stamped thereon. The register will note on his records against the land, "Selected under act of March 20, 1922 (42 Stat. 465), by _____ (date _____, serial No. _____, pending)".

5. Affidavits Required. An affidavit by the applicant that he or it is the owner of the land offered in exchange and that said land is not the basis of another selection or exchange must be filed. There must also be furnished an affidavit by the applicant or by some credible person possessed of the requisite personal knowledge, showing that the land selected is non-mineral in character; that it contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor; that it is not in any manner occupied or claimed adversely to the selector.

Where the application is filed by an individual he will be required to show by affidavit that he is 21 years of age, and otherwise capable of carrying through the transaction.

These affidavits may be executed before any officer qualified to administer oaths.

Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished.

6. Fees. Fees must be paid by the applicant at the rate of \$2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

7. Publication and Posting. Within 30 days from the filing of his formal application to select land or timber the applicant will begin publication of notice thereof, at his own expense, in some newspaper or newspapers designated by the General Land Office and having general circulation in the county or counties in which the land offered and the land or timber selected are situated. Such notice must be published once each week for four successive weeks during

which time a similar notice of the application must be posted in the district land office. The notice should describe the land or timber applied for as well as the land offered in exchange and give the date of filing of the application and state that the purpose thereof is to allow all persons claiming the land selected or having bona fide objections to such application an opportunity to file their protests with the register of the land district in which the land selected is situated. Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The register shall certify to the posting in his office. The dates of such publication and posting must in all cases be given.

8. Action by Register. If a protest is filed, all the papers should be transmitted to the General Land Office for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the district land office, the register will notify the selector that he is allowed 60 days from receipt of notice within which to file the deed conveying the offered land to the Government, and abstract of title, as prescribed in paragraphs numbered 9, 10 and 11. The proof papers necessary to complete a selection should be filed at the same time. However, if additional time is necessary to complete the abstract, the same will be granted upon a proper showing. After the filing of the required deed of conveyance, abstract of title, and other proof, the register will certify the condition of the record on the application and will promptly transmit the original application and accompanying papers to the General Land Office by special letter.

9. Deed of Conveyance. The deed conveying the land offered as a basis of exchange must be executed and acknowledged in the same manner as a conveyance of real property is required to be executed and acknowledged by the laws of the State in which the land is situated. The deed should also be duly recorded. The deed should recite that the consideration for the conveyance to the United States of the land offered is the exchange therefor of not exceeding an equal value of certain other land, or of timber equal in value to the land conveyed, depending upon whether the exchange is one of land for land, or land for timber. The act or acts under which the exchange is made should be cited in the deed.

Such revenue stamps as are required by law must be affixed to the deed and canceled.

Where the conveyance is made by an individual it must show whether the person conveying is married or single, and if married, the wife or husband of such person, as the case may be, must join in the execution of the conveyance in such a manner as to effectually bar any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated such wife or husband has no interest whatsoever, present or prospective, which makes her or his joining in the conveyance necessary.

Where the conveyance is by a corporation, it should be recited in the instrument of transfer that it was executed pursuant to an order or by the

direction of the board of directors or other governing body, a copy of which order or direction should accompany such instrument of transfer, and should bear the impression of the corporate seal.

10. Evidence of Title. Each conveyance must be accompanied by a duly authenticated abstract of title, showing that at the time the conveyance was recorded the title was in the party conveying, and that the land was free from conflicting record claims, tax liabilities, judgment or mortgage liens, pending suits or other encumbrances.

(a) Authentication of Abstract. The certificate of authentication of the abstract must be signed by the recorder of deeds or other proper official, under his official seal, or, if it is preferred, the abstract may be authenticated by an abstracter or an abstract company, approved by the General Land Office, in accordance with section 42 of the Mining Regulations of April 11, 1922 (49 L. D. 15, 69). The certificate must show the title memoranda to be a full, true, and complete abstract of all matters of record or on file in the appropriate office or offices of the county or counties in which the offered land is located, including all conveyances, mortgages, or other encumbrances, judgments against the various grantors, mechanics' liens, lis pendens, or other instruments which are required by law to be filed with the recording officers affecting in any manner whatsoever the title to the described land.

(b) Taxes. The authenticity of the tax records must be certified showing that all taxes levied or assessed against the land, or that could operate thereon as a lien, have been fully paid; or whether there is a tax lien although such tax is not assessed, due or payable; that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of the proper county office. In case taxes have been assessed or levied on lands conveyed to the United States and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above required relative to taxes and tax assessments, may submit a sum equal to at least twice the amount of taxes paid on the land for the previous year or in lieu thereof furnish a bond in like amount with qualified corporate surety, in order to indemnify the United States against loss for the taxes assessed or levied but not yet due and payable.

(c) Judgment Liens, Lis Pendens, Absence of. The absence of judgment liens or pending suits against the various grantors which might affect the title of the land conveyed must be shown by the official certificate of the clerks of the courts of record, whose judgments, under the laws of the United States or the State in which the land is situated, would be a lien on the land conveyed.

(d) Title Insurance. Title insurance issued by a company which is acceptable to the General Land Office may be furnished in lieu of an abstract of title and same accepted upon proof that the insuring company is solvent and properly qualified, provided the policy is free from conditions and stipulations unacceptable to the United States.

11. Application for Timber. If timber is desired in exchange for the land to be conveyed to the United States, proof that notice has been published

and posted will be all the evidence necessary to be filed in regard to the timber, but all the proof required in connection with the land offered as a basis for the exchange must be filed.

12. Action by the General Land Office. The application and accompanying proof will, upon receipt by the General Land Office, be examined at as early a date as practicable, and if found defective opportunity will be given the parties in interest to cure the defects, if possible. If the selection appears regular and in conformity with the law and these regulations, the selection will, in the absence of objections, if for land only, be formally approved for patent by letter to the district land office, but if timber is taken in exchange the Secretary of Agriculture will, upon advice of the Secretary of the Interior that the regulations have been fully complied with, issue proper permit or certificate for the cutting of the timber.

13. Practice and Procedure. Notice of additional or further requirements, rejections, or other adverse actions of Registers, the Commissioner or the Secretary, will be given and the right of appeal, review, or rehearing recognized in the manner now prescribed by the Rules of Practice, except as otherwise herein provided. A protest or other objection against the selection or the application to select, must be filed with the register to be forwarded to the General Land Office for consideration and disposal. If there is no district land office in the State in which the lands involved in an application for exchange are situated, the formal application for exchange and all papers required in connection therewith, as well as all protests or other objections against the application, should be filed in the General Land Office.

Application to enter filed subsequent to any conflicting application to select will be rejected, except where the subsequent application to enter is supported by allegations of prior right, in which event it will be transmitted to the General Land Office with appropriate recommendation. Applications presented under these regulations not in substantial conformity with the requirements herein made, not accompanied by the prescribed proof, or where land offered as basis of exchange or the land selected is not situated within the boundaries prescribed by existing laws will be rejected, subject to appeal or curing of the defect where possible.

14. Right Reserved to Reject Applications. Applications to select either land or timber under the provisions of the act will not defeat the right of the United States to withdraw or reserve the land for such purposes or uses as may be proper prior to the filing in the district land office of an application complete in all particulars.

15. Other Forest Exchanges. Other acts providing for exchanges of lands in national forests will be found in a list appended hereto. Special regulations governing these acts have not been prepared, but exchanges thereunder must be made under the foregoing regulations, modified however to meet the limitations, conditions and provisions of the acts mentioned.

16. Conveyed Lands Added to National Forests. All lands conveyed to the United States pursuant to these regulations shall, upon acceptance of title,

become parts of the national forests within whose boundaries they are located.

These regulations supersede those approved March 20, 1925 (51 L. D. 69).

(Sgd.) Fred W. Johnson

Commissioner.

Approved: June 2, 1938

(Sgd.) E. K. Burlew

Acting Secretary of the Interior.

Approved: June 17, 1938

(Sgd.) W. R. Gregg

Acting Secretary of Agriculture.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

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THE FOLLOWING ACTS OF CONGRESS AUTHORIZE EXCHANGES WITHIN
THE VARIOUS NATIONAL FORESTS.

Date of Act	Forest
3--13--08	(35 Stat. 42) Crow Creek National Forest
2--18--09	(35 Stat. 626) Calaveras Big Trees
5--7--12	(37 Stat. 108) Calaveras Big Trees
7--31--12	(37 Stat. 241) State of Michigan
8--22--12	(37 Stat. 323) Pecos - Zuni
4--16--14	(38 Stat. 345) Sierra-Stanislaus
3--3--17	(39 Stat. 1122) National Forests in Montana
6--5--20	(41 Stat. 986) Harney
3--4--21	(41 Stat. 1366) Rainier
12-20-21	(42 Stat. 350) Shoshone
2--2--22	(42 Stat. 362) Deschutes
3--20--22	(42 Stat. 465) All
9--22--22	(42 Stat. 1018) State of Idaho
9--22--22	(42 Stat. 1017) All
9--22--22	(42 Stat. 1036) Wenatchee, Olympic, Snoqualmie
2--14--23	(42 Stat. 1245) Lincoln (For regulations see Circular 388, approved April 9, 1923, 49 L. D. 529).
6--7--24	(43 Stat. 643) Forests in New Mexico
1--12--25	(43 Stat. 739) Forests in New Mexico
2--20--25	(43 Stat. 952) Plumas, Eldorado, Stanislaus, Shasta, Tahoe
2--28--25	(43 Stat. 1079) Mt. Hood
2--28--25	(43 Stat. 1090) All
2--28--25	(43 Stat. 1074) Snoqualmie
3--3--25	(43 Stat. 1215) All
3--3--25	(43 Stat. 1117) Custer
3--4--25	(43 Stat. 1279) Umatilla, Wallowa, Whitman
3--4--25	(43 Stat. 1282) Whitman
4--21--26	(44 Stat. 303) All Forests in New Mexico and Arizona
5--26--26	(44 Stat. 655) Absaroka, Gallatin, Yellowstone Park
6--15--26	(44 Stat. 746) National Forests in New Mexico
2--15--27	(44 Stat. 1099) Black Hills and Harney
3--2--27	(44 Stat. 1262) State of Oregon
3--3--27	(44 Stat. 1378) Arapaho
3--4--27	(44 Stat. 1412) Colville
3--26--28	(45 Stat. 370) Manti
4--10--28	(45 Stat. 415) Challis, Sawtooth
4--16--28	(45 Stat. 431) Carson, Manzano, Santa Fe
4--23--28	(45 Stat. 450) Crater
5--17--28	(45 Stat. 598) Missoula
1--30--29	(45 Stat. 1145) Montana
2--7--29	(45 Stat. 1154) Lincoln (For regulations see Circular approved March 22, 1929, "K" 1327799)

Date of Act		Forest
5--14-30	(46 Stat. 278)	Fremont
2--25-32	(47 Stat. 55)	Cache
6--30-32	(47 Stat. 451)	Siuslaw
3--4--33	(47 Stat. 1563)	Modoc
3--4--33	(47 Stat. 1569)	Gunnison
4--30-34	(48 Stat. 649)	St. Joe
6--13-35	(49 Stat. 338)	Siskiyou
6--13-35	(49 Stat. 338)	Willamette
6--25-35	(49 Stat. 422)	Lincoln
8--2--35	(49 Stat. 508)	Chelan
6--19-36	(49 Stat. 1534)	Umatilla and Whitman
7--27-37	(50 Stat. 534)	Rogue River
8--12-37	(50 Stat. 622)	Columbia
8--21-37	(50 Stat. 739)	Snoqualmie

FORMAL APPLICATION AND AFFIDAVITS
Act of March 20, 1922 (42 Stat. 465)

Serial Number _____

Receipt Number _____

_____, of _____,
(Applicant) (Post Office)
a citizen of the United States, of the age of 21 years, or over _____
_____ hereby applies to exchange under the act of March 20, 1922
(42 Stat. 465), _____
(amendatory acts, if any)
the following described land situated in the _____
National Forest.

(Reservations or exceptions to which the land is subject should be recited)
for (the following land) (timber from the following land)
(cross out item not applicable)

situated in the _____ National Forest.

The undersigned, being first duly sworn according to law, deposes and
says that _____ is the applicant in the proposed exchange, is
the owner of the above first described land, and that said land is not the
basis of any other selection or exchange.

Subscribed and sworn to before me, this _____ day of
_____, 19____.

(Official Designation)

THE NATIONAL ARCHIVES
COLLEGE PARK, MARYLAND 20740

Serial Number

Identifying Number

(Date of Birth)

(Date of Death)

A statement of the date of birth, as the case of the person, is given

below. The date of birth is given in the year 1900.

(Date of Birth)

(Date of Death)

The following statement is given in the

(Date of Birth)

The following statement is given in the year 1900.

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The following statement is given in the year 1900.

The following statement is given in the year 1900.

The following statement is given in the year 1900.

(Date of Birth)

(The following affidavit to be executed only when land is selected.)

The undersigned, whose post office address is _____, being duly sworn according to law, deposes and says that _____ is well acquainted with the character of the land selected in this exchange; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not to his knowledge any valuable mineral of any character whatsoever within the limits thereof; that the land contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor; that said land is essentially nonmineral and nonsaline in character, and is not in any manner occupied or claimed adversely to the selector.

Subscribed and sworn to before me this _____ day of _____, 19____

(Official Designation)

CIRCULAR NO. 863 c.

*Obsolete
See Circ.
1752*

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

EXCHANGES OF PRIVATELY-OWNED LANDS WITHIN NATIONAL FORESTS
FOR
NATIONAL FOREST LAND OR TIMBER

REGULATIONS CONTAINED IN PART 148, TITLE 43
OF THE CODE OF FEDERAL REGULATIONS

(REPRINT MARCH, 1945, WITH AMENDMENTS)

TABLE OF CONTENTS

- Sec.
148.1 Statutory authority.
148.2 Reservation of timber, minerals or easements.
148.3 Preliminary negotiations.
148.4 Approval of informal application.
148.5 Formal application.
148.6 Affidavits required.
148.7 Fees.
148.8 Publication and posting.
148.9 Protests to be considered by the General Land Office;
selector to furnish deed and abstract.
148.10 Execution and recording of deed.
148.11 Requirements where applicant reserves mineral rights.
148.12 What abstract must show; authentication required;
taxes; certificates.
148.13 Title insurance.
148.14 Application for timber.
148.15 Examination in General Land Office; approval for patent
of selection of land; permit to cut timber.
148.16 Practice and procedure.
148.17 Right reserved to reject applications.
148.18 Special acts authorizing forest exchanges.
148.19 Conveyed lands added to national forests.

Exchanges of Privately-Owned Lands within National Forests for
National Forest Land or Timber

FOREWORD

The aim of national conservation is to promote the most advantageous use of land and its natural resources. In some instances, this can best be accomplished through exchanges of the land and resources between the Federal and State governments or private individuals. Authority for such exchanges affecting land or timber within National Forests is contained in the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485). The procedure to be followed under the provisions of this Act are set forth herein.

Section 148.1 Statutory authority. The Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485) provides that when the public interests will be benefited thereby, the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States title to any lands within national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests in the same State; the values in each case to be determined by the Secretary of Agriculture.

148.2 Reservation of timber, minerals, or easements. The Act of March 20, 1922, was amended by the Act of February 28, 1925 (43 Stat. 1090; 16 U.S.C. 486) by adding thereto section 2, which provides that either party to such an exchange may make reservations of timber minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands.

148.3 Preliminary negotiations. All preliminary negotiations relating to an exchange under the Act of March 20, 1922 are to be conducted with the local representatives of the Forest Service, and any owner of land subject to exchange who desires to take advantage of the privileges conferred by this Act must file with the local national forest officers an informal application describing the land to be conveyed as well as that to be selected, or if timber is desired in exchange the land on which such timber is located. The land must be specifically described according to Government subdivisions, and, as a rule, nothing less than a legal subdivision may be offered or selected, except where the applicant or the Government does not own the entire legal subdivision, or where a portion of a legal subdivision offered the Government is not valuable for national forest purposes, or where the United States desires to retain ownership of a portion or portions of a legal subdivision selected by the applicant due to the fact that such tract or tracts are chiefly valuable for national forest purposes. The selected land or timber must be entirely within national forest boundaries and in the same State in which the offered lands are located. The applicant must show by affidavit or other evidence satisfactory to the Forest Service that he is the owner of the land to be conveyed, and that such land is equal in value to the land or timber selected.

148.4 Approval of informal application. When a tentative agreement has been reached between the applicant and the local national forest officer the case will be submitted to the regional forester and if approved by him to the Chief, Forest Service, Washington, D. C., for consideration. If the Chief, Forest Service, finds the exchange to be in the public interests and that the selected land or timber does not exceed the offered land in value, he will request the Secretary of Agriculture to advise the Secretary of the Interior that the acceptance of the certain described lands offered under the Act of March 20, 1922 and the granting in lieu thereof of other certain described lands, or of stumpage upon other described lands, meets with the approval of the Department of Agriculture; that the offered lands are chiefly valuable for national forest purposes, and that the appraised value of the land or timber selected does not exceed that of the land offered in exchange. The Secretary of the Interior, upon receipt of such letter from the Secretary of Agriculture, unless he has reason to do otherwise, will approve the exchange, subject to the submission of acceptable title to the offered lands and to full compliance by the applicant with the regulations in §§ 148.1-148.19, and subject to any protests or other valid objections which may appear.

148.5 Formal application. The General Land Office will notify the register of the district land office in whose district the land or timber to be selected is located of the approval of the exchange, and such register will in turn notify the person desiring to make such exchange of the approval thereof and that he is allowed 60 days from receipt of notice within which to file his formal application specifically describing the offered and selected lands, and in case timber is selected, the land on which the timber is located. The application must be accompanied by the necessary affidavits and fees.

Applications for exchange, and the affidavits required by §§ 148.1-148.19 as to the offered and selected lands, should be in accordance with the form printed with Circular No. 863b, 1/ or its substantial equivalent. Each application will be given a serial number and have the hour and date of filing stamped thereon. The register will note on his records against the land, "Selected under Act of March 20, 1922 (42 Stat. 465), by _____ (date _____ serial No. _____, pending)".

148.6 Affidavits required. An affidavit by the applicant that he or it is owner of the land offered in exchange and that said land is not the basis of another selection or exchange must be filed. There must also be furnished an affidavit by the applicant or by some credible person possessed of the requisite personal knowledge, showing that the land selected is nonmineral in character; that it contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor; that it is not in any manner occupied or claimed adversely to the selector.

Where the application is filed by an individual he will be required to show by affidavit that he is 21 years of age, and othersise capable of carrying through the transaction.

1/ Copy of form attached.

These affidavits may be executed before any officer qualified to administer oaths.

Where the application is made by or in behalf of a corporation, a certified copy of the articles of incorporation must be furnished.

148.7 Fees. Fees must be paid by the applicant at the rate of \$2 for each 160 acres, or fraction thereof, of the base lands offered and conveyed to the Government.

148.8 Publication and posting. Within 30 days from the filing of his formal application to select land or timber the applicant will begin publication of notice thereof, at his own expense, in some newspaper or newspapers designated by the General Land Office and having general circulation in the county or counties in which the land offered and the land or timber selected are situated. Such notice must be published once each week for 4 successive weeks during which time a similar notice of the application must be posted in the district land office. The notice should describe the land or timber applied for as well as the land offered in exchange and give the date of filing of the application and state that the purpose thereof is to allow all persons claiming the land selected or having bona fide objections to such application an opportunity to file their protests with the register of the land district in which the land selected is situated. Proof of publication shall consist of an affidavit of the publisher or of the foreman or other proper employee of the newspaper in which the notice was published, with a copy of the published notice attached. The register shall certify to the posting in his office. The dates of such publication and posting must in all cases be given.

148.9 Protests to be considered by the General Land Office; selector to furnish deed and abstract. If a protest is filed, all the papers should be transmitted to the General Land Office for consideration; but should no protest be filed against the allowance of the selection within 30 days from the date of the first publication of notice, and no objections appear on the records of the district land office, the register will notify the selector that he is allowed 60 days from receipt of notice within which to file the deed conveying the offered land to the Government, and abstract of title, as prescribed in §§ 148.10, 148.12. The proof papers necessary to complete a selection should be filed at the same time. However, if additional time is necessary to complete the abstract, the same will be granted upon a proper showing. After the filing of the required deed of conveyance abstract of title, and other proof, the register will certify the condition of the record on the application and will promptly transmit the original application and accompanying papers to the General Land Office by special letter.

148.10 Execution and recording of deed. The deed conveying the land offered as a basis of exchange must be executed and acknowledged in the same manner as a conveyance of real property is required to be executed and acknowledged by the laws of the State in which the land is situated. The deed should also be duly recorded. The deed should recite that the consideration for the conveyance to the United States of the land offered is the exchange therefor of not exceeding

an equal value of certain other land, or of timber equal in value to the land conveyed, depending upon whether the exchange is one of land for land, or land for timber. The act or acts under which the exchange is made should be cited in the deed.

Such revenue stamps as are required by law must be affixed to the deed and canceled.

Where the conveyance is made by an individual it must show whether the person conveying is married or single, and if married, the wife or husband of such person, as the case may be, must join in the execution of the conveyance in such a manner as to effectually bar any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated such wife or husband has no interest whatsoever, present or prospective, which makes her or his joining in the conveyance necessary.

Where the conveyance is by a corporation, it should be recited in the instrument of transfer that it was executed pursuant to an order or by the direction of the board of directors or other governing body, a copy of which order or direction should accompany such instrument of transfer, and should bear the impression of the corporate seal.

148.11 Requirements where applicant reserves mineral rights. In the case of each and every application for exchange made under the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended by the Act of February 28, 1925 (43 Stat. 1090, 16 U.S.C. 486), where the exchange applicant reserves the rights to any or all minerals in lands offered to the United States in such an exchange, the applicant will be required to attach to and incorporate as a part of the formal application for exchange the rules and regulations referred to in 36 CFR 251.15. Such an applicant will also be required to incorporate the rules and regulations in question in the deed of reconveyance of the offered land to the United States. [Circ. 1433, July 9, 1937]

148.12 What abstract must show; authentication required; taxes; certificates. Each conveyance must be accompanied by a duly authenticated abstract of title, showing that at the time the conveyance was recorded the title was in the party conveying, and that the land was free from conflicting record claims, tax liabilities, judgment or mortgage liens, pending suits or other encumbrances.

The certificate of authentication of the abstract must be signed by the recorder of deeds or other proper official, under his official seal, or by such abstracter or company as may be satisfactory to the Department of the Interior.^{2/} The certificate must show the title memoranda to be a full, true, and complete abstract of all matters of record or on file in the appropriate office or offices of the county or counties in which the offered land is located, including all conveyances, mortgages, or other encumbrances, judgments against the various grantors, mechanics' liens, lis pendens, or other instruments which are required

^{2/} As amended by Circ. 1594, February 5, 1945.

by law to be filed with the recording officers affecting in any manner whatsoever the title to the described land.

The authenticity of the tax records must be certified showing that all taxes levied or assessed against the land, or that could operate thereon as a lien, have been fully paid; or whether there is a tax lien although such tax is not assessed, due or payable; that there are no unredeemed tax sales and no tax deeds outstanding as shown by the records of the proper county office. In case taxes have been assessed or levied on lands conveyed to the United States and such taxes are not due and payable until some future date, the applicant, in addition to the certificate above required relative to taxes and tax assessments, may submit a sum equal to at least twice the amount of taxes paid on the land for the previous year or in lieu thereof furnish a bond in like amount with qualified corporate surety, in order to indemnify the United States against loss for the taxes assessed or levied but not yet due and payable.

The absence of judgment liens or pending suits against the various grantors which might affect the title of the land conveyed must be shown by the official certificate of the clerks of the courts of record, whose judgments, under the laws of the United States or the State in which the land is situated, would be a lien on the land conveyed.

148.13 Title insurance; certificate of title. A policy of title insurance, or a certificate of title, may be accepted in lieu of an abstract, in proper cases, when issued by a title company. A policy of title insurance when furnished must be free from conditions and stipulations not acceptable to the Department of the Interior. A certificate of title will be accepted only where the certificate is made to the Government, or expressly for its benefit, and where the interests of the Government will be sufficiently protected thereby (Opinions of the Solicitor, August 14, 1934, and September 10, 1936). 3/

148.14 Application for timber. If timber is desired in exchange for the land to be conveyed to the United States, proof that notice has been published and posted will be all the evidence necessary to be filed in regard to the timber, but all the proof required in connection with the land offered as a basis for the exchange must be filed.

148.15 Examination in General Land Office; approval for patent of selection of land; permit to cut timber. The application and accompanying proof will, upon receipt by the General Land Office, be examined at as early a date as practicable, and if found defective opportunity will be given the parties in interest to cure the defects, if possible. If the selection appears regular and in conformity with the law and the regulations in this part, the selection will, in the absence of objections, if for land only, be formally approved for patent by letter to the district land office, but if timber is taken in exchange the Secretary of Agriculture will, upon advice of the Secretary of the Interior that the regulations

3/ As amended by Circ. 1594, February 5, 1945.

in this part have been fully complied with, issue proper permit or certificate for the cutting of the timber.

148.16 Practice and procedure. Notice of additional or further requirements, rejection, or other adverse actions of registers, the Commissioner of the General Land Office, or the Secretary of the Interior will be given and the right of appeal, review, or rehearing recognized in the manner prescribed by the rules of practice, Part 221, except as otherwise herein provided. A protest or other objection against the selection or the application to select, must be filed with the register to be forwarded to the General Land Office for consideration and disposal. If there is no district land office in the State in which the lands involved in an application for exchange are situated, the formal application for exchange and all papers required in connection therewith, as well as all protests or other objections against the application, should be filed in the General Land Office.

Application to enter filed subsequent to any conflicting application to select will be rejected, except where the subsequent application to enter is supported by allegations of prior right, in which event it will be transmitted to the General Land Office with appropriate recommendation. Applications not in substantial conformity with the requirements, not accompanied by the prescribed proof, or where land offered as basis of exchange or the land selected is not situated within the boundaries prescribed by existing laws will be rejected, subject to appeal or curing of the defect where possible.

148.17 Right reserved to reject applications. Applications to select either land or timber under the provisions of the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485) will not defeat the right of the United States to withdraw or reserve the land for such purposes of uses as may be proper prior to the filing in the district land office of an application complete in particulars.

148.18 Special acts authorizing forest exchanges. Special acts providing for exchanges of lands in national forests will be found in a list set out in the footnote below. 4/ Special regulations governing these acts have not been prepared, but exchanges thereunder must be made under §§ 148.1-148.17, modified however to meet the limitations, conditions and provisions of the Acts mentioned.

148.19 Conveyed lands added to national forests. All lands conveyed to the United States pursuant to the regulations in §§ 148.1-148.19 shall, upon acceptance of title, become parts of the national forests within whose boundaries they are located.

4/ See table on the following pages.

FORMAL APPLICATION AND AFFIDAVITS
Act of March 20, 1922 (42 Stat. 465)

Serial Number _____

Receipt Number _____

_____, of _____,
(Applicant) (Post Office)
a citizen of the United States, of the age of 21 years, or over
hereby applies to exchange under the act of March 20, 1922
(42 Stat. 465), _____

(amendatory acts, if any)
the following described land situated in the _____
National Forest.

(Reservations or exceptions to which the land is subject should be recited)
for (the following land) (timber from the following land)
(cross out item not applicable)

situated in the _____ National Forest.

The undersigned, being first duly sworn according to law, deposes and
says that _____ is the applicant in the proposed exchange, is
the owner of the above first described land, and that said land is not the
basis of any other selection or exchange.

Subscribed and sworn to before me, this _____ day of
_____, 19____.

(Official Designation)

(The following affidavit, to be executed only when land is selected.)

The undersigned, whose post office address is _____, being duly sworn according to law, deposes and says that _____ is well acquainted with the character of the land selected in this exchange; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not to his knowledge any valuable mineral of any character whatsoever within the limits thereof; that the land contains no salt springs or deposits of salt in any form sufficient to render it chiefly valuable therefor; that said land is essentially nonmineral and nonsaline in character, and is not in any manner occupied or claimed adversely to the selector.

Subscribed and sworn to before me this _____ day of _____, 19____.

(Official Designation)

THE FOLLOWING ACTS OF CONGRESS AUTHORIZE EXCHANGES WITHIN
OR ADJACENT TO VARIOUS NATIONAL FORESTS

Date of Act	Forest
3-13-08 (35 Stat. 42) - - - - -	Crow Creek National Forest.
2-18-09 (35 Stat. 626; 16 U.S.C. 494) - -	Calaveras Big Trees.
5-7-12 (37 Stat. 108; 16 U.S.C. 494) - -	Calaveras Big Trees.
7-31-12 (37 Stat. 241) - - - - -	State of Michigan.
8-22-12 (37 Stat. 323) - - - - -	Pecos-Zuni.
4-16-14 (38 Stat. 345; 16 U.S.C. 51) - -	Sierra-Stanislaus.
3-3-17 (39 Stat. 1122; 16 U.S.C. - - - -	National Forests in Montana.
164, 166, 167).	
6-5-20 (41 Stat. 986; 16 U.S.C. 675-678)	Harney.
3-4-21 (41 Stat. 1366) - - - - -	Rainier.
12-20-21 (42 Stat. 350) - - - - -	Shoshone.
2-2-22 (42 Stat. 362) - - - - -	Deschutes.
3-20-22 (42 Stat. 465; 16 U.S.C. 485) - -	All.
9-22-22 (42 Stat. 1018) - - - - -	State of Idaho.
9-22-22 (42 Stat. 1017; 16 U.S.C.	All.
483, 484).	
9-22-22 (42 Stat. 1036) - - - - -	Wenatchee, Olympic, Snoqualmie.
2-14-23 (42 Stat. 1245) - - - - -	Lincoln. (For regulations see Circ. 888, approved April 9, 1923, 49 L. D. 529.)
6-7-24 (43 Stat. 643) - - - - -	Forests in New Mexico.
1-12-25 (43 Stat. 739) - - - - -	Forests in New Mexico.
2-20-25 (43 Stat. 952) - - - - -	Plumas, Eldorado, Stanislaus, Shasta, Tahoe.
2-28-25 (43 Stat. 1079) - - - - -	Mt. Hood.
2-28-25 (43 Stat. 1090; 16 U.S.C. 486) -	All.
2-28-25 (43 Stat. 1074) - - - - -	Snoqualmie.
3-3-25 (43 Stat. 1215; 16 U.S.C. 516) - -	All.
3-3-25 (43 Stat. 1117) - - - - -	Custer.
3-4-25 (43 Stat. 1279) - - - - -	Umatilla, Wallowa, Whitman.
3-4-25 (43 Stat. 1282) - - - - -	Whitman.
4-21-26 (44 Stat. 303) - - - - -	All Forests in New Mexico and Arizona.
5-26-26 (44 Stat. 655; 16 U.S.C. 37-40) -	Absaroka, Gallatin, Yellowstone Park.
6-15-26 (44 Stat. 746) - - - - -	National Forests in New Mexico.
2-15-27 (44 Stat. 1099; 16 U.S.C. 508a) -	Black Hills and Harney.
3-2-27 (44 Stat. 1262) - - - - -	State of Oregon.
3-3-27 (44 Stat. 1378) - - - - -	Arapaho.
3-4-27 (44 Stat. 1412) - - - - -	Colville.
3-26-28 (45 Stat. 370) - - - - -	Manti.
4-10-28 (45 Stat. 415) - - - - -	Challis, Sawtooth.
4-16-28 (45 Stat. 431) - - - - -	Carson, Manzano, Santa Fe.
4-23-28 (45 Stat. 450) - - - - -	Crater.
5-17-28 (45 Stat. 598) - - - - -	Missoula.
1-30-29 (45 Stat. 1145) - - - - -	Montana.
2-7-29 (45 Stat. 1154) - - - - -	Lincoln. (For regulations see Circ. ap- proved March 22, 1929, "K" 1327799.)

5-14-30 (Ch. 270, 46 Stat. 278) - - - - Fremont.
 2-25-32 (47 Stat. 55) - - - - Cache.
 6-30-32 (47 Stat. 451) - - - - Siuslaw.
 3-4-33 (47 Stat. 1563) - - - - Modoc.
 3-4-33 (47 Stat. 1569) - - - - Gunnison.
 4-30-34 (48 Stat. 649) - - - - St. Joe.
 6-13-35 (49 Stat. 338) - - - - Siskiyou.
 6-13-35 (49 Stat. 338) - - - - Willamette.
 6-25-35 (49 Stat. 422; 16 U.S.C., - - - Lincoln.
 Note 486).
 8-2-35 (49 Stat. 508; 16 U.S.C., 485a) - Chelan.
 6-19-36 (49 Stat. 1534) - - - - Umatilla and Whitman.
 7-27-37 (50 Stat. 534) - - - - Rogue River.
 8-12-37 (50 Stat. 622) - - - - Columbia.
 8-21-37 (50 Stat. 739) - - - - Snoqualmie.
 2-12-38 (52 Stat. 28) - - - - Tahoe.
 5-26-38 (52 Stat. 443) - - - - Kaniksu.
 6-15-38 (52 Stat. 686) - - - - Black Hills.
 6-22-38 (52 Stat. 835) - - - - Bodoc, Shasta and Lassen.
 6-22-38 (52 Stat. 836) - - - - Shasta and Klamath.
 6-22-38 (52 Stat. 838) - - - - Plumas, Tahoe and Lassen.
 8-10-39 (53 Stat. 1347) - - - - Kaniksu.
 8-11-39 (53 Stat. 1412) - - - - Wenatchee.
 1-17-40 (54 Stat. 14) - - - - Siuslaw.
 6-8-40 (54 Stat. 251) - - - - Ochoco.
 6-17-40 (54 Stat. 402) - - - - Malheur, Umatilla and Whitman.
 6-29-40 (54 Stat. 695) - - - - San Juan - Rio Grande.
 6-5-42 (56 Stat. 311) - - - - Plumas.
 12-23-44 - - - - Pike.

Circular No. 871.

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HOMESTEAD RIGHTS OF UNITED STATES CITIZENS WHO SERVED IN THE
ARMIES OF COUNTRIES ASSOCIATED WITH THIS COUNTRY DURING THE WORLD WAR.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington, D.C., January 31, 1923.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Public Resolution No. 79, approved December 28, 1922, provides:

"That the provisions of the act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the act and resolution herein referred to."

Paragraphs 16 and 18 of the soldiers' right Circular No. 302 are therefore hereby amended to read as follows:

16. "House Joint Resolution No. 30, approved January 21, 1922, amended Joint Resolution No. 29, approved February 14, 1920 (41 Stat., 434), by extending the provisions of the last-mentioned resolution for a period of 10 years from and after February 14, 1920, and increased the preference right conferred thereby from not less than 60 to not less than 90 days from the beginning of the preference right period. Said resolution as amended is applicable to all openings of public or Indian lands to entry or to restoration to entry of public lands withdrawn from entry, and confers upon officers, soldiers, sailors, and marines in the Army or Navy of the United States during the late war, who were honorably separated or discharged from such Service or placed in the regular Army or naval service, a preference right of not less than 90 days from the date of opening or restoration in which to make entry for the land under the homestead or desert-land laws, except as against prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation.

Said resolution was further amended by Public Resolution No. 79, approved December 28, 1922, extending its provisions to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged upon the resumption of citizenship in the United States, provided the service with the allied armies was similar to service with the Army of the United States for which recognition is granted by said Resolution No. 29, as amended."

18. "Under the act of February 25, 1919 (40 Stat., 1161), as amended by section 1 of the act of April 6, 1922 (42 Stat., 491), and by Public Resolution No. 79, approved December 28, 1922, one who was in the military or naval service of the United States during the Mexican border operations (regarded as having begun May 9, 1916, and continued until the declaration of war with Germany); or the late war, and who was honorably discharged after having served at least 90 days during such period, or who served for such period with the allied armies during the World War and was honorably discharged and resumed citizenship in the United States, is entitled to a deduction from the homestead residence requirements (three years) equal to the period of service but not to exceed two years--that is, there must be shown residence on the homestead for at least one year even though the military or naval service exceeded two years. If the soldier or sailor after having served for at least 90 days was discharged because of disability incurred in line of duty or regularly discharged from the service but subsequently awarded compensation by the Government for wounds received or disabilities incurred in the line of duty, he may claim credit for the full period of his enlistment, subject to the requirement that residence on the homestead for at least one year must be shown. In either case the credit is in lieu of the cultivation specified by law as well as residence and if the period of service is such that residence for but one year need be shown, no cultivation is required to be shown for that year. A year's residence under the homestead laws consists of actual residence for at least seven months and allowable absence of five months in not more than two periods, notice of leaving the homestead and returning thereto to be given to the proper district land officers. The final proof must show that there is a habitable house on the land."

Those citizens of the United States who, during the existence of the war with Germany entered the military or naval service of a country allied with this country in the World War and who, by taking the oath of allegiance to such foreign country prior to April 6, 1917, expatriated themselves, must, before they may avail themselves of the benefits of this resolution, resume their American citizenship by taking the oath of allegiance to the United States prescribed by the naturalization laws and regulations and file evidence thereof in support of their claims. Such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States. See act of May 9, 1918 (40 Stat., 542).

A citizen who entered such service after April 6, 1917, did not expatriate himself as the last proviso to section 2 of the act of March 2, 1907 (34 Stat., 1228), provides that:

"No American shall be allowed to expatriate himself when this country is at war."

The service for which credit may be claimed under said resolution must have continued for a period of at least 90 days during the World War and the claimant must show his qualifications to make the entry sought in order to exercise the preference right of entry conferred thereby and in addition thereto as a part of his application or by an accompanying statement sworn to before an officer qualified to verify homestead applications must show the date when his service began, the country with which he served, the nature and length of such service, and that he was honorably separated or discharged therefrom giving the date thereof. The original or certified copy of the discharge or order of separation from such military or naval service should be attached to the application to make entry or proof thereon. If the claimant has lost his discharge or is otherwise unable to secure a copy thereof, he must in a verified statement explain fully why he can not furnish the same.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: January 31, 1923.

E. C. FINNEY,

First Assistant Secretary.

The service to which credit may be due, is under this resolution
must have continued to be paid at least 30 days after the date of
and the discharge must show his qualifications to have the credit counted as
only in respect to a discharge of duty or service in the line of
admission to the service as a part of his application or by an authorized statement
made to before an officer qualified to verify statements of qualifications made
from the date when his service began, the number with which he served, the
nature and length of such service, and that he was honorably discharged
after having given the best service. The officer on certified copy
of the discharge or order of resignation from such military or naval service
should be attached to the application in the same way as stated above. If the
applicant has lost his discharge or is otherwise unable to furnish a copy
thereof, he must in a verified statement certify fully why he can not furnish
the same.

Very respectfully,

WILLIAM BRY.

Comptroller.

Approved: January 31, 1933.

E. C. BURNEY.

First Assistant Comptroller.

necessary and that all royalty statements should be submitted directly to the deputy supervisor of the Bureau of Mines.

Order of March 2, 1921, is modified accordingly.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved February 20, 1922.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 48 L. D. 628]

OIL-PROSPECTING PERMITS IN POWER-SITE RESERVES—SUBDIVISION 10 OF PERMIT FORM, MODIFIED

INSTRUCTIONS

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 7, 1922.

The COMMISSIONER OF THE GENERAL LAND OFFICE:

On August 30, 1921, you submitted application for oil and gas prospecting permit, Salt Lake City 028589, filed by Alvina L. Kamen, involving lands withdrawn for power site purposes, recommending that the permit be issued on the standard form, without reference to proposed amendment thereto suggested by the Federal Power Commission.

I now transmit herewith for your information a copy of the opinion of the solicitor, dated September 30, 1921 (48 L. D. 459), and approved by the Secretary, holding that the sole authority to determine what, if any, provisions should be inserted in a prospecting permit or lease affecting power site lands, rests with the Secretary of the Interior.

In accordance with the suggestion of the solicitor, on the last page of his opinion, in all permits involving power-site lands you will add to subdivision 10 of the permit form the following:

He further agrees that in the event of discovery of oil or gas within the permit area appropriate conditions for the protection of the power development and use may be incorporated in any lease or leases to be issued to him or his successors.

Kamen's permit is returned for action in accordance with the above.

E. C. FINNEY,
First Assistant Secretary.

(Copy of the opinion of the solicitor omitted.)

[Reported, 49 L. D. 459]

CIRCULAR No. 874

MODIFICATIONS OF RULE 4, CIRCULAR NO. 795, RELATIVE TO REFUNDING PREPAID RENTALS ON OIL AND GAS LANDS

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., February 24, 1923.

Registers and Receivers, United States Land Offices.

SIRS: For the convenience of lessees of oil and gas lands and to avoid the confusion resulting from the present practice of deducting from

royalty paid in kind such quantity thereof as will equal in value the cash rental paid in advance. rule 4 of Circular No. 795, dated December 8, 1921, is hereby modified to read as follows:

4. If the royalty is to be paid in kind only, the lessee shall deduct from the first accrued royalty product such quantity thereof as will, at the approved selling price on the date of deduction, equal in value the cash rental paid for that year: *Provided, however*, That by consent of the lessee the amount of annual rental paid in any one year may, in lieu of being refunded in oil, continue to be held by the Government as a deposit through succeeding years subject to correction if the acreage of the lease shall change or to refund any amount due when the lease shall terminate.

Very respectfully,

WILLIAM SPRY, *Commissioner*.

Approved February 24, 1923.

E. C. FINNEY,
First Assistant Secretary.

[Reported, 49 L. D. 467]

CIRCULAR No. 876

INSTRUCTIONS ON OIL AND GAS PERMITS AND LEASES ON LANDS
SOUTH OF MEDIAL LINE OF RED RIVER IN OKLAHOMA

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE,
Washington, March 7, 1923.

REGISTER AND RECEIVER, GUTHRIE, OKLA.

SIRS: Your attention is called to the provisions of the act of Congress approved March 4, 1923 (42 Stats. 1448), entitled "An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes." A copy of the act is appended.

The Regulations Concerning Oil and Gas Permits and Leases, as amended to October 29, 1920. Circular No. 672 (47 L. D. 437), contains the departmental instructions under the act of February 25, 1920 (41 Stat. 437), and they are hereby extended to the act of March 4, 1923, so far as applicable. Attention is called to the fact that not more than 160 acres may be granted by lease or permit to any one person or corporation, except where two or more claims have been assigned to one person or corporation, in which event the assignee is limited to the amount of his assigned interests, but not to exceed 640 acres. The following supplementary instructions are issued:

1. The application for an oil and gas prospecting permit or for a lease must be filed in the United States land office at Guthrie, Okla., between the opening hour of March 5, 1923, and the closing hour of May 3, 1923. The application must be made under oath and the supporting papers certified or under oath as far as necessary and

NOTICE OF THE GENERAL LAND OFFICE

It is hereby notified that in the case of an individual or corporation who has been found guilty of trespass on the public lands of the United States, the measure of damages to be paid by the trespasser shall be the full value of the property at the time and place of demand, or of suit brought, with no deduction for labor and expense.

TRESPASS

[Reported, 49 L. D. 4841]

Circular No. 881

INSTRUCTIONS AS TO MEASURE OF DAMAGES IN TRESPASS CASES UNDER THE SUPREME COURT DECISION IN MASON ET AL. v. UNITED STATES

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 14, 1923.

Chiefs of Field Divisions.

SIRS: I inclose herewith for your information a photographic copy of the decision of the Supreme Court of the United States in *Sam W. Mason et al. v. United States*, decided January 2, 1923. You will observe that the court holds that the measure of damages for the oil trespass involved is within the controlling scope of State legislation, and that the court stated:

Here, while the suit is one in equity, the statute and decisions relied upon have nothing to do with the general principles of equity or with the Federal equity jurisdiction, but simply establish a measure of damages applicable alike to actions at law and suits in equity.

Hereafter the rule of damages to be applied in cases of timber, coal, oil, and other trespass will, in accordance with said decision, be the measure of damages prescribed by the laws of the State in which the trespass is committed.

In view of the foregoing you will, both as to your pending trespass cases and cases that may arise in the future, ascertain the laws of the State in which the trespass was committed as to measure of damages, and make your demands for settlement and your recommendations to this office in accordance therewith, citing in your reports to this office the book and page of the State statutes and the decisions on which your recommendations are based.

If a trespass is committed in a State where there is no State law governing such trespass, the measure of damages will be as follows:

TIMBER

1. Where the trespass is willful, the full value of the property at the time and place of demand, or of suit brought, with no deduction for labor and expense.

Amended by Circular No. 900, p. 1573.

1572 CIRCULARS AND REGULATIONS OF THE GENERAL LAND OFFICE

2. In case of an unintentional or mistaken trespass, or an innocent vendee from such trespasser, the value at the time of conversion, less the amount which the vendor has added to its value.

3. In case of a purchase without notice of wrong from a willful trespasser, the value at the time of purchase. *Woodenware Co. v. United States* (106 U. S. 432).

TURPENTINE

1. Innocent trespass: Value of the gum and injury done to the trees. *United States v. Taylor* (85 Fed. 484).

2. Willful trespass: Value of the product manufactured from the crude turpentine by the settler, or any person into whose possession same may have passed, without credit for labor bestowed on the turpentine by the wrongdoer. *Union Naval Stores Co. v. United States* (240 U. S. 284).

COAL

1. Innocent trespass: Value of the coal in place, before severance. *United States v. Homestake Mining Co.* (117 Fed. 481).

2. Willful trespass: Full value of the property at time of conversion, without deduction for the labor bestowed or expense incurred in removing and preparing it for market. *United States v. Ute Coal and Coke Co.* (158 Fed. 20).

ORES

Measure of damages is the same as in the case of coal. *Benson Mining and Smelting Co. v. Alta Mining and Smelting Co.* (149 U. S. 428); *Durant Milling Co. v. Percy Consolidated Mining Co.* (98 Fed. 166).

OIL

1. Innocent trespass: Value of oil taken, less amount of expense incurred in taking the same.

2. Willful trespass: Value of the oil taken without credit or deduction for the expense incurred by the wrongdoers in getting. *Mason v. United States* (178 Fed. 135).

The cases now pending in this office for action will be adjudicated in accordance with the above instructions.

Respectfully,

WILLIAM SPRY, Commissioner

Approved March 14, 1923.

**E. C. FINNEY,
First Assistant Secretary**

CIRCULAR NO. 884 (REVISED)

OFFICERS AUTHORIZED TO ADMINISTER OATHS IN PUBLIC LAND CASES

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, September 3, 1926.

Registers, United States Land Offices.

SIRS: Section 2294, Revised Statutes, as amended by the act of March 11, 1902 (32 Stat. 63); the act of March 4, 1904 (33 Stat. 59); and the act of February 23, 1923 (42 Stat. 473), provides:

That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, \$1.

Any officer demanding or receiving a greater sum for such services shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$100.

The act of May 17, 1926 (Public, No. 231), provides:

That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the

provisions of the act of October 28, 1921, "An act for the consolidation of the offices of register and receiver in certain cases, and for other purposes" (Forty-second Statutes at Large, page 208), may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, direct or indirectly, any compensation for administering such oath.

The act of July 3, 1926 (Public, No. 473), provides:

That in all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths.

As a result of the enactment of the said acts of May 17 and July 3, 1926, oaths in public land cases may now be executed before the register or the acting register of the United States land office and, in Alaska, before the receiver (where there is a receiver), or before a United States commissioner, or a notary public, or before a judge or clerk or prothonotary of a court of record, or the deputy of such clerk or prothonotary, or before a magistrate authorized by the laws of the State, District, or Territory of the United States to administer oaths, in the county, parish, or land district in which the land lies, or before any officer of the classes mentioned who resides nearer or more accessible to the land, although he may reside outside of the county and land district in which the land is situated.

Where an oath is administered before an officer outside of the county, parish, or land district in which the land applied for is situated, an affidavit must be furnished satisfactory to the Commissioner of the General Land Office, that because of topographic or geographic conditions the officer was nearer or more accessible to the land; but in those States in which there is no United States land office an affidavit may be executed before any qualified officer in the State without any showing as to his nearness or accessibility with reference to any particular county.

Except as to the register or the acting register, the official character of any officer not using a seal of office must be certified to under seal by the clerk of court having the record of his appointment and qualifications.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

Approved September 3, 1926.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 28, 1923.

Cir. No. 885

Registers' returns to be
made semi-monthly. Cir. 616
amended. Cir. 621 abrogated.

* * * * *

The returns for the first half of the month must also be accompanied by the memorandum copies of receipts (Form 4-131) issued during the period, and, in addition to the copies now furnished, an extra copy of the abstract of moneys returned or applied (Form 4-103a) and of the abstract of moneys applied (Form 4-103b). Before transmitting the memorandum copies of receipts you will prepare (but hold in your office) the abstract of moneys received (Form 4-103) said abstract and the applied abstracts to be completed at the end of the month, in duplicate, and mailed in the usual manner. Your accounts will be submitted at the end of the month or quarter in the same manner and form as heretofore, except that the memorandum copies of receipts will cover only the last half of the month. Should the corresponding portion of the applied abstracts as submitted at the end of the month differ in any respect from the copies accompanying the returns for the first half, report of same must be attached to the monthly account.

To expedite the transmittal of the semi-monthly returns, you should get them ready from day to day, or every few days, so that it will not be necessary to do all of the work at the end of the period. The general schedule of serial numbers (with the exception of the remarks column) the abstract of moneys received, the abstract of moneys returned or applied, and the abstract of moneys applied should be typewritten every few days or as often as the items fill a page. Such practice will help considerably, especially in the larger offices. The schedule of allowances and the classified schedule can not of course be prepared until the end of the period.

Circular 621 dated October 9, 1918, requiring the transmittal at the end of each week of withdrawals of appli-

cations to enter, is hereby abrogated and you will hereafter include all such withdrawals with your returns.

APR 30 1923

Circular No. 839.
DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 16, 1923.

REINSTATEMENT OF CANCELED ENTRIES.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Your attention is invited to L.D., 659, in which it was held:

"An application for the reinstatement of a canceled entry, while pending, operates to reserve the land covered thereby from other disposition."

Applications for reinstatement of canceled entries must be filed in the proper district land office, and must be executed by the entryman, his heirs, legal representatives, assigns, or transferees as the case may require. If made by other than the entryman, such petition for reinstatement must fully set forth the nature and extent of petitioner's interest in the land, how acquired, and the names and addresses of any other person or persons who have or claim an interest therein. All petitions for reinstatement should set forth all facts, and state clearly and concisely upon what grounds reinstatement is urged. Such petition must be sworn to before some officer qualified to administer oaths, and having an official seal, or, if sworn to before an officer who does not have an official seal, his official acts must be attested by some proper officer.

Applications for reinstatement of canceled entries executed by agents and attorneys will not be recognized. Your attention is called to the regulations governing the recognition of agents and attorneys before district land offices, approved April 20, 1907 (35 L.D., 534). Paragraph 8 thereof is hereby amended to read as follows:

"Every attorney must, either at the time of entering his appearance for a claimant or contestant, or within ten days thereafter, file written authority for such appearance, signed by said claimant or contestant, and setting forth his or her present post-office address. Upon a failure to file such written authority, it is the duty of the register and receiver to no longer recognize him as attorney in the case."

Whenever application for reinstatement of a canceled entry is filed you will transmit same with the next returns to this office, together with report as to the present status of the land involved. Thereafter you will not permit disposition of the land until the application for reinstatement is finally adjudicated. All subsequent applications should be held suspended unless on account of some special reason you should deem it proper to forward

same to this office to be considered in connection with the pending application for reinstatement. If a junior application be forwarded, report should accompany it, setting forth the reasons for which you deemed it advisable to transmit same.

Should an application for reinstatement be filed not conforming to the foregoing, you will promptly advise the party thereof, calling his attention to the defects and allow fifteen days in which to file a proper application. At the proper time you will make report setting forth what action the applicant has taken.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved; April 16, 1923.

E. C. FINNEY,

First Assistant Secretary.

MAY 18 1923

Circular No. 893.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 3, 1923.

FENCING OF STOCK WATERING RESERVOIRS.

Registers and Receivers,

United States Land Offices.

Gentlemen:

The act of Congress approved March 3, 1923, Public No. 480, amends section 1 of the act of January 13, 1897 (29 Stat., 484), "An Act providing for the location and purchase of public lands for reservoir sites" by inserting at the end thereof, the following new sentence:

"The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: Provided, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence erected under the authority hereof shall be immediately removed on the order of the Secretary."

This act applies only to stock watering reservoirs which have been or may hereafter be constructed, and due proof of construction filed in the General Land Office.

Any person, company, or corporation, desiring to secure the benefits of this act should file in the local land office an application, under oath, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the live stock, to conserve water and to preserve its quality and condition. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of the proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance, will an application be considered unless said plat shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads whereby to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range; and that there shall be posted on the gates, and elsewhere if necessary, a notice stating that the reservoir is for stock watering purposes,

(over)

located on public lands and that the same is opened to the free use of any person desiring to water animals of any kind.

Upon the filing of such an application, it should be considered by the local office as an additional paper in the case and transmitted to this office by special letter under the serial number of the reservoir declaratory statement for such action as may be deemed proper.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 3, 1923,

E. C. FINNEY,

First Assistant Secretary.

